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24 UNITED STATES DISTRICT COURT

25 CENTRAL DISTRICT OF CALIFORNIA

26 ROBERT ARCHER; MARLENE  
27 ARCHER; JACQUELINE GRAHAM;  
28 ROBERT GRAHAM; PAMELA GIUSTI;  
MICHAEL GIUSTI; VALERIE  
PASQUINI WILLSEA; MICHAEL R.  
NEKY; GINA M. PALLOTTA; JOSEPH  
CLARK; VIOLA CLARK; JEFFREY  
SKINNER; BRENDA SKINNER; RAUL  
PANGILINAN; DENCY PANGILINAN;  
ARLINDA PANGILINAN; RIZALINA  
RUNAS; MARISSA SMITH; JULIAN  
SMITH; PATRICIA MCFADDEN;  
ALLEN MCFADDEN; GLORIA  
PRESLEY; JESSE PRESLEY; JANIE  
HARRISON; JULIE PHILLIPS; MARIA

[Caption continued on following page]

Case No.: 2:20-cv-04203

**FIRST AMENDED CLASS ACTION  
COMPLAINT FOR DAMAGES**

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

**DEMAND FOR JURY TRIAL**

1  
2 MAGOS; RAYMOND PENA; JOHN  
3 BEKHAZI; MIRNA BEKHAZI; NANCY  
4 ALVIS; LEONARD OWEN; DOROTHY  
5 OWEN; CHARLES NURRE; LEIGH  
6 NURRE; AMY ROTHMAN; JORDAN  
7 BLYNN; GENE QIN; DIANA GONG;  
8 GARY PILGRAM; SHARON  
9 PILGRAM; SAMUEL ARREAGA;  
10 HILDA ARREAGA; DAVID CHEN;  
11 JEAN CHEN; KATHERINE HINTON;  
12 NORMA BERKOWITZ; DEBRA  
13 LEONELLI; DAVID REGE; ROSANN  
14 EADS; BILL J. EADS, SR.; EDNA  
15 PELAYO; NICHOLAS ALLEN; ANNA  
16 ALLEN; SUZANNE SUWANDA;  
17 JOSEPH BALLIN; VICTORIA BALLIN,  
18 DAVID LEANDRES, DIANNE  
19 LEANDRES, GURVINDER BHASIN,  
20 HARVINDER BHASIN, PATRICIA  
21 MCGINNIS, and MARITNESS MILLER,  
22 on behalf of themselves and all others  
23 similarly situated,

24 Plaintiffs,

25 vs.

26 CARNIVAL CORPORATION;  
27 CARNIVAL PLC and PRINCESS  
28 CRUISE LINES LTD.,

Defendants.

### COMPLAINT AND JURY DEMAND

29 Individual and representative Plaintiffs ROBERT ARCHER, MARLENE  
30 ARCHER, PAMELA GIUSTI, MICHAEL GIUSTI, VALERIE PASQUINI  
31 WILLSEA, MICHAEL R. NEKY, GINA M. PALLOTTA, JOSEPH CLARK,  
32 VIOLA CLARK, RAUL PANGILINAN, DENCY PANGILINAN, AMY  
33 ROTHMAN, JORDAN BLYNN, JOSEPH BALLIN, VICTORIA BALLIN,  
34 DAVID LEANDRES, AND DIANNE LEANDRES, bring this action for  
35 themselves and on behalf of all persons similarly situated, including individual  
36 Plaintiffs JACQUELINE GRAHAM, ROBERT GRAHAM, JEFFREY SKINNER,  
37 BRENDA SKINNER, ARLINDA PANGILINAN, RIZALINA RUNAS,

1 MARISSA SMITH, JULIAN SMITH, PATRICIA MCFADDEN, ALLEN  
2 MCFADDEN, GLORIA PRESLEY, JESSE PRESLEY, JANIE HARRISON,  
3 JULIE PHILLIPS, MARIA MAGOS, RAYMOND PENA, JOHN BEKHAZI,  
4 MIRNA BEKHAZI, NANCY ALVIS, LEONARD OWEN, DOROTHY OWEN,  
5 CHARLES NURRE, LEIGH NURRE, GENE QIN, DIANA GONG, GARY  
6 PILGRAM, SHARON PILGRAM, SAMUEL ARREAGA, HILDA ARREAGA,  
7 DAVID CHEN, JEAN CHEN, KATHERINE HINTON, NORMA BERKOWITZ,  
8 DEBRA LEONELLI, DAVID REGE, ROSANNE EADS, BILL J. EADS, SR.,  
9 EDNA PELAYO, NICHOLAS ALLEN, ANNA ALLEN, SUZANNE  
10 SUWANDA, GURVINDER BHASIN, HARVINDER BHASIN, PATRICIA  
11 MCGINNIS, and MARITNESS MILLER, and the more than 2,000 passengers who  
12 sailed on the roundtrip Motor Vessel (“M/V”) GRAND PRINCESS cruise from  
13 San Francisco, California on February 21, 2020, to Hawaii, against Defendants,  
14 PRINCESS CRUISE LINES LTD. (“PRINCESS”), its parent companies  
15 CARNIVAL CORPORATION & CARNIVAL PLC (collectively, “CARNIVAL”)  
16 and allege:

17 **THE PARTIES**

18 1. Individual and representative Plaintiff Robert Archer is *sui juris*, and is  
19 a resident of San Francisco County, California and was a passenger onboard the  
20 Grand Princess cruise from February 21, 2020, to disembarkation on or about  
21 March 10, 2020.

22 2. Individual and representative Plaintiff Marlene Archer is *sui juris*, and  
23 is a resident of San Francisco County, California and was a passenger onboard the  
24 Grand Princess cruise from February 21, 2020, to disembarkation on or about  
25 March 10, 2020.

26 3. Individual and representative Plaintiff Pamela Giusti is *sui juris*, and is  
27 a resident of San Mateo County, California and was a passenger onboard the Grand  
28

1 Princess cruise from February 21, 2020, to disembarkation on or about March 10,  
2 2020.

3 4. Individual and representative Plaintiff Michael Giusti is *sui juris*, and  
4 is a resident of San Mateo County, California and was a passenger onboard the  
5 Grand Princess cruise from February 21, 2020, to disembarkation on or about  
6 March 10, 2020.

7 5. Individual and representative Plaintiff Valerie Pasquini Willsea is *sui*  
8 *juris*, is a resident of San Mateo County, California and was a passenger onboard  
9 the Grand Princess cruise from February 21, 2020, to disembarkation on or about  
10 March 10, 2020.

11 6. Individual and representative Plaintiff Michael R. Nemy is *sui juris*, is  
12 a resident of Stanislaus County, California and was a passenger onboard the Grand  
13 Princess cruise from February 21, 2020, to disembarkation on or about March 10,  
14 2020.

15 7. Individual and representative Plaintiff Gina M. Pallotta is *sui juris*, is a  
16 resident of Stanislaus County, California and was a passenger onboard the Grand  
17 Princess cruise from February 21, 2020, to disembarkation on or about March 10,  
18 2020.

19 8. Individual and representative Plaintiff Joseph Clark is *sui juris*, and is  
20 a resident of Stanislaus County, California and was a passenger onboard the M/V  
21 GRAND PRINCESS cruise from February 21, 2020, to disembarkation on or about  
22 March 10, 2020.

23 9. Individual and representative Plaintiff Viola Clark is *sui juris*, and is a  
24 resident of Stanislaus County, California and was a passenger onboard the M/V  
25 GRAND PRINCESS cruise from February 21, 2020, to disembarkation on or about  
26 March 10, 2020.

27 10. Individual and representative Plaintiff Raul Pangilinan is *sui juris*, and  
28 is a resident of Contra Costa County, California and was a passenger onboard the

1 M/V GRAND PRINCESS cruise from February 21, 2020, to disembarkation on or  
2 about March 10, 2020.

3 11. Individual and representative Plaintiff Dency Pangilinan is *sui juris*,  
4 and is a resident of Contra Costa County, California and was a passenger onboard  
5 the M/V GRAND PRINCESS cruise from February 21, 2020, to disembarkation on  
6 or about March 10, 2020.

7 12. Individual and representative Plaintiff Amy Rothman is *sui juris*, and  
8 is a resident of Queens County, New York 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 and representative Plaintiff Jordan Blynn is *sui juris*, and is  
12 a resident of Queens County, New York 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 and representative Plaintiff Joseph Ballin is *sui juris*, and is  
16 a resident of Stone County, Missouri and was a passenger onboard the Grand  
17 Princess cruise from February 21, 2020, to disembarkation on or about March 10,  
18 2020.

19 15. Individual and representative Plaintiff Victoria Ballin is *sui juris*, and  
20 is a resident of Stone County, Missouri and was a passenger onboard the Grand  
21 Princess cruise from February 21, 2020, to disembarkation on or about March 10,  
22 2020.

23 16. Individual and representative Plaintiff David Leandres is *sui juris*, and  
24 is a resident of Washington County, Oregon and was a passenger onboard the  
25 Grand Princess cruise from February 21, 2020, to disembarkation on or about  
26 March 10, 2020.

27 17. Individual and representative Plaintiff Dianne Leandres is *sui juris*,  
28 and is a resident of Washington County, Oregon and was a passenger onboard the

1 Grand Princess cruise from February 21, 2020, to disembarkation on or about  
2 March 10, 2020.

3 18. Individual Plaintiff Jacqueline Graham is *sui juris*, and is a resident of  
4 San Francisco County, California and was a passenger onboard the Grand Princess  
5 cruise from February 21, 2020, to disembarkation on or about March 10, 2020.

6 19. Individual Plaintiff Robert Graham is *sui juris*, and is a resident of San  
7 Francisco County, California and was a passenger onboard the Grand Princess  
8 cruise from February 21, 2020, to disembarkation on or about March 10, 2020.

9 20. Individual Plaintiff Jeffrey Skinner is *sui juris*, is a resident of  
10 Sacramento County, California and was a passenger onboard the M/V GRAND  
11 PRINCESS cruise from February 21, 2020, to disembarkation on or about March  
12 10, 2020.

13 21. Individual Plaintiff Brenda Skinner is *sui juris*, is a resident of  
14 Sacramento County, California 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 22. Individual Plaintiff Arlinda Pangilinan is *sui juris*, is a resident of San  
18 Joaquin County, California 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 23. Individual Plaintiff Rizalina Runas is *sui juris*, is a resident of San  
22 Joaquin County, California 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 24. Individual Plaintiff Marissa Smith is *sui juris*, is a resident of  
26 Bernalillo County, New Mexico 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           25. Individual Plaintiff Julian Smith is *sui juris*, is a resident of Barnalillo  
2 County, New Mexico 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           26. Individual Plaintiff Patricia McFadden is *sui juris*, is a resident of  
5 Solano County, California and was a passenger onboard the M/V GRAND  
6 PRINCESS cruise from February 21, 2020, to disembarkation on or about March  
7 10, 2020.

8           27. Individual Plaintiff Allen McFadden is *sui juris*, is a resident of Solano  
9 County, California and was a passenger onboard the M/V GRAND PRINCESS  
10 cruise from February 21, 2020, to disembarkation on or about March 10, 2020.

11           28. Individual Plaintiff Gloria Presley is *sui juris*, is a resident of Contra  
12 Costa County, California and was a passenger onboard the M/V GRAND  
13 PRINCESS cruise from February 21, 2020, to disembarkation on or about March  
14 10, 2020.

15           29. Individual Plaintiff Jesse Presley is *sui juris*, is a resident of Contra  
16 Costa County, California and was a passenger onboard the M/V GRAND  
17 PRINCESS cruise from February 21, 2020, to disembarkation on or about March  
18 10, 2020.

19           30. Individual Plaintiff Janie Harrison is *sui juris*, is a resident of Solano  
20 County, California and was a passenger onboard the M/V GRAND PRINCESS  
21 cruise from February 21, 2020, to disembarkation on or about March 10, 2020.

22           31. Individual Plaintiff Julie Phillips is *sui juris*, is a resident of Antelope  
23 County, Nebraska and was a passenger onboard the M/V GRAND PRINCESS  
24 cruise from February 21, 2020, to disembarkation on or about March 10, 2020.

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



1           33. Individual Plaintiff Raymond Pena is *sui juris*, is a resident of Fresno  
2 County, California 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           34. Individual Plaintiff John Bekhazi is *sui juris*, is a resident of Benton  
5 County, Washington and was a passenger onboard the M/V GRAND PRINCESS  
6 cruise from February 21, 2020, to disembarkation on or about March 10, 2020.

7           35. Individual Plaintiff Mirna Bekhazi is *sui juris*, is a resident of Benton  
8 County, Washington and was a passenger onboard the M/V GRAND PRINCESS  
9 cruise from February 21, 2020, to disembarkation on or about March 10, 2020.

10           36. Individual Plaintiff Nancy Alvis is *sui juris*, is a resident of Klamath  
11 County, Oregon and was a passenger onboard the M/V GRAND PRINCESS cruise  
12 from February 21, 2020, to disembarkation on or about March 10, 2020.

13           37. Individual Plaintiff Leonard Owen is *sui juris*, is a resident of Contra  
14 Costa County, California 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           38. Individual Plaintiff Dorothy Owen is *sui juris*, is a resident of Contra  
18 Costa County, California 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           39. Individual Plaintiff Charles Nurre is *sui juris*, is a resident of  
22 Sacramento County, California 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           40. Individual Plaintiff Leigh Nurre is *sui juris*, is a resident of  
26 Sacramento 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           41. Individual Plaintiff Gene Qin is *sui juris*, is a resident of San Francisco  
2 County, California 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           42. Individual Plaintiff Diana Gong is *sui juris*, is a resident of San  
5 Francisco County, California and was a passenger onboard the M/V GRAND  
6 PRINCESS cruise from February 21, 2020, to disembarkation on or about March  
7 10, 2020.

8           43. Individual Plaintiff Gary Pilgram is *sui juris*, is a resident of Marin  
9 County, California and was a passenger onboard the M/V GRAND PRINCESS  
10 cruise from February 21, 2020, to disembarkation on or about March 10, 2020.

11           44. Individual Plaintiff Sharon Pilgram is *sui juris*, is a resident of Marin  
12 County, California and was a passenger onboard the M/V GRAND PRINCESS  
13 cruise from February 21, 2020, to disembarkation on or about March 10, 2020.

14           45. Individual Plaintiff Samuel Arreaga is *sui juris*, is a resident of San  
15 Joaquin County, California and was a passenger onboard the M/V GRAND  
16 PRINCESS cruise from February 21, 2020, to disembarkation on or about March  
17 10, 2020.

18           46. Individual Plaintiff Hilda Arreaga is *sui juris*, is a resident of San  
19 Joaquin County, California and was a passenger onboard the M/V GRAND  
20 PRINCESS cruise from February 21, 2020, to disembarkation on or about March  
21 10, 2020.

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

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

1           49. Individual Plaintiff Katherine Hinton is *sui juris*, is a resident of Napa  
2 County, California 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           50. Individual Plaintiff Norma Berkowitz is *sui juris*, is a resident of  
5 Nevada County, California and was a passenger onboard the M/V GRAND  
6 PRINCESS cruise from February 21, 2020, to disembarkation on or about March  
7 10, 2020.

8           51. Individual Plaintiff Debra Leonelli is *sui juris*, is a resident of San  
9 Francisco County, California and was a passenger onboard the M/V GRAND  
10 PRINCESS cruise from February 21, 2020, to disembarkation on or about March  
11 10, 2020.

12           52. Individual Plaintiff David Rege is *sui juris*, is a resident of San  
13 Francisco County, California and was a passenger onboard the M/V GRAND  
14 PRINCESS cruise from February 21, 2020, to disembarkation on or about March  
15 10, 2020.

16           53. Individual Plaintiff Rosann Eads is *sui juris*, is a resident of Placer  
17 County, California and was a passenger onboard the M/V GRAND PRINCESS  
18 cruise from February 21, 2020, to disembarkation on or about March 10, 2020.

19           54. Individual Plaintiff Bill J. Eads, Sr. is *sui juris*, is a resident of Placer  
20 County, California and was a passenger onboard the M/V GRAND PRINCESS  
21 cruise from February 21, 2020, to disembarkation on or about March 10, 2020.

22           55. Individual Plaintiff Edna Pelayo is *sui juris*, is a resident of San  
23 Joaquin County, California and was a passenger onboard the M/V GRAND  
24 PRINCESS cruise from February 21, 2020, to disembarkation on or about March  
25 10, 2020.

26           56. Individual Plaintiff Nicholas Allen is *sui juris*, is a resident of San  
27 Mateo County, California and was a passenger onboard the M/V GRAND  
28

1 PRINCESS cruise from February 21, 2020, to disembarkation on or about March  
2 10, 2020.

3 57. Individual Plaintiff Anna Allen is *sui juris*, is a resident of San Mateo  
4 County, California and was a passenger onboard the M/V GRAND PRINCESS  
5 cruise from February 21, 2020, to disembarkation on or about March 10, 2020.

6 58. Individual Plaintiff Suzanne Suwanda is *sui juris*, is a resident of Santa  
7 Clara County, California and was a passenger onboard the M/V GRAND  
8 PRINCESS cruise from February 21, 2020, to disembarkation on or about March  
9 10, 2020.

10 59. Individual Plaintiff Gurvinder Bhasin is *sui juris*, is a resident of  
11 Alameda County, California and was a passenger onboard the M/V GRAND  
12 PRINCESS cruise from February 21, 2020, to disembarkation on or about March  
13 10, 2020.

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

18 61. Individual Plaintiff Patricia McGinnis is *sui juris*, is a resident of  
19 Clackamas County, Oregon and was a passenger onboard the M/V GRAND  
20 PRINCESS cruise from February 21, 2020, to disembarkation on or about March  
21 10, 2020.

22 62. Individual Plaintiff Maritess Miller is *sui juris*, is a resident of  
23 Maricopa County, Arizona and was a passenger onboard the M/V GRAND  
24 PRINCESS cruise from February 21, 2020, to disembarkation on or about March  
25 10, 2020.

26 63. Defendant CARNIVAL CORPORATION was incorporated in 1972 in  
27 Panama and has its headquarters in Miami, Florida.

28



1 comprise the “Carnival Group” of companies. CARNIVAL stated that Princess and  
2 the other cruise ship operating lines are semi- autonomous entities within the  
3 Carnival Corporation and Carnival plc (formerly P&O Princess Cruises plc)  
4 corporate umbrella.

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

10 73. CARNIVAL has ownership and control over PRINCESS, which is  
11 organized under Holland America Group within CARNIVAL. CARNIVAL has  
12 claimed in filings with the SEC that it wholly owns PRINCESS as a subsidiary.

13 74. CARNIVAL and PRINCESS share the same Board of Directors and  
14 almost all of the same executive officers, and appear to use the same assets.

15 75. CARNIVAL exerts control and domination over PRINCESS’s  
16 business and day-to-day operations.

### 17 **JURISDICTION**

18 76. This Court has Admiralty subject matter jurisdiction pursuant to 28  
19 U.S.C. § 1333 as this case involves a maritime tort. The type of incident and  
20 injuries suffered by Plaintiffs and the class had the potential to impact maritime  
21 commerce as Plaintiffs and the class suffered harm and Plaintiffs and the class were  
22 and continue to be at serious risk of imminent harm as a result of exposure to  
23 COVID-19 aboard the cruise ship upon which they were paying passengers.

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



**FACTUAL BACKGROUND**

1  
2 86. In December 2019, a new strain of Coronavirus known as COVID-19  
3 or SARS-CoV-2 was first observed in humans in China. The virus quickly spread  
4 through China and Asia and has caused a global pandemic. Infection with COVID-  
5 19 is generally associated with symptoms such as fever, a dry cough, shortness of  
6 breath, infection, pneumonia, and it can be fatal.

7 87. Clinicians and public health experts continue to learn more about the  
8 virus and its effects on the human body. In addition to the cold- and flu-like  
9 symptoms COVID-19 patients typically experience, the virus has been linked to  
10 loss of taste and smell, blood clots, severe strokes, heart inflammation, acute kidney  
11 disease, intestinal damage, liver damage, and neurological problems.<sup>1</sup>

12 88. As of the filing of this complaint, there have been over 1.7 million  
13 cases and over 103,000 deaths in the United States as a result of COVID-19. Over  
14 2,000 cases and, as of this filing, 40 deaths have been reported in San Francisco, at  
15 least three of which were due to infections contracted while onboard the M/V  
16 GRAND PRINCESS—a ship owned and operated by Defendants.

17 89. On January 30, 2020, the World Health Organization declared  
18 COVID-19 a global health emergency.

19 90. In early February 2020, experts in the European Union, led by  
20 epidemiologist Dr. Christou Hadjichristodoulou, released guidelines for the cruise  
21 industry that included an outline of the risk of COVID-19 outbreaks aboard cruise  
22 ships and recommended response protocols.<sup>2</sup> Specifically, the guidelines directed

23  
24 <sup>1</sup> Lenny Bernstein, Carolyn Y. Johnson, Sarah Kaplan and Laurie McGinley.  
25 Coronavirus destroys lungs. But doctors are finding its damage in kidneys, hearts,  
26 and elsewhere. The Washington Post. April 15, 2020.  
27 [https://www.washingtonpost.com/health/coronavirus-destroys-lungs-but-doctors-are-finding-its-damage-in-kidneys-hearts-and-elsewhere/2020/04/14/7ff71ee0-7db1-11ea-a3ee-13e1ae0a3571\\_story.html](https://www.washingtonpost.com/health/coronavirus-destroys-lungs-but-doctors-are-finding-its-damage-in-kidneys-hearts-and-elsewhere/2020/04/14/7ff71ee0-7db1-11ea-a3ee-13e1ae0a3571_story.html) (last visited April 29, 2020).

28 <sup>2</sup> Interim Advice for Preparedness and Response to Cases of Acute Respiratory  
Disease at Points of Entry in the European Union (EU) / EEA Member States (MS):  
Advice for ship operators for preparedness and response to the outbreak of 2019-



1 that, in the event of a COVID-19 case, close contacts of the case should be  
2 quarantined in their cabin or on shore, and “casual contacts” should be  
3 disembarked.<sup>3</sup>

4 91. Defendants CARNIVAL and PRINCESS represent that they have a  
5 commitment to “the health, safety, and security” of their passengers and promote  
6 their business as one that “always strives to be free of injuries, illness and loss.”<sup>4</sup>  
7 They further assert that they “[s]upport a proactive framework of risk mitigation in  
8 the areas of HESS [Health, Environment, Safety, Security] aimed at preventing,  
9 monitoring and responding to threats.”<sup>5</sup>

10 92. However, in or before early February 2020, Defendants became aware  
11 of an outbreak of COVID-19 aboard the cruise ship the DIAMOND PRINCESS,  
12 which is operated by CARNIVAL and PRINCESS. The outbreak originated on the  
13 DIAMOND PRINCESS while the vessel was docked in Yokohama, Japan. Ten  
14 cases were originally diagnosed, and that number rapidly escalated to over 700  
15 cases—over one-fifth of the passengers onboard. Investigative reporting about the  
16 DIAMOND PRINCESS alleges that well after CARNIVAL and PRINCESS

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17 nCoV acute respiratory disease, Feb. 3, 2020,  
18 [https://www.gac.com/491364/siteassets/about-gac/coronavirus/eu-interim-  
19 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*  
20 Matt Apuzzo, Motoko Rich and David Yaffe-Bellany, *Failures on Diamond  
21 Princess Shadow Another Cruise Ship Outbreak*, The New York Times, March 8,  
2020, [https://www.nytimes.com/2020/03/08/world/asia/coronavirus-cruise-  
21 ship.html](https://www.nytimes.com/2020/03/08/world/asia/coronavirus-cruise-ship.html) (last visited April 6, 2020).

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

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

<sup>5</sup> Carnival Corporation & PLC Health, Environmental, Safety, Security, and  
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 April 7, 2020).

1 became aware of the first case aboard the ship, Defendants worked to “keep the fun  
2 going” by “encouraging [guests] to mingle.”<sup>6</sup>

3 93. To date, 14 of the DIAMOND PRINCESS’s passengers have died as a  
4 result of COVID-19.<sup>7</sup> At least two of these fatalities occurred before February 19,  
5 2020.<sup>8</sup>

6 94. In a February 18, 2020, update issued in response to the crisis aboard  
7 the DIAMOND PRINCESS, the Center for Disease Control (CDC) stated that “the  
8 rate of new reports of positives [now] on board, especially among those without  
9 symptoms, highlights the high burden of infection on the ship and potential for  
10 ongoing risk.”<sup>9</sup>

11 95. Upon information and belief, in February, CARNIVAL also operated a  
12 voyage on the RUBY PRINCESS, from New Zealand to Australia. News reports  
13 suggest that in mid-to-late February, Defendants became aware of COVID-19 cases  
14 onboard the RUBY PRINCESS. Despite this information, CARNIVAL operated a  
15 second voyage on the RUBY PRINCESS, immediately following the New Zealand-  
16 to-Australia voyage. Since the vessel docked in Australia on March 19, over 600  
17 passengers who were on the RUBY PRINCESS have tested positive for the virus  
18 and 10 have died. Australian authorities have announced a criminal investigation  
19 into the matter.

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20 <sup>6</sup> Austin Carr and Chris Palmieri, *Socially Distance This: Carnival Executives*  
21 *Knew They Had a Virus Problem, But Kept the Party Going*, Bloomberg, April 16,  
22 2020, <https://www.bloomberg.com/features/2020-carnival-cruise-coronavirus/> (last  
visited April 20, 2020).

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

25 <sup>8</sup> See The New York Times, *Japan Reports 2 Deaths Among Cruise Ship*  
26 *Passengers*, Feb. 19, 2020, [https://www.nytimes.com/2020/02/19/world/asia/china-  
coronavirus.html](https://www.nytimes.com/2020/02/19/world/asia/china-coronavirus.html) (last visited April 6, 2020).

27 <sup>9</sup> See Centers for Disease Control and Prevention, *Update on the Diamond Princess*  
28 *Cruise Ship in Japan*, Feb. 18, 2020, <https://www.cdc.gov/media/releases/2020/s0218-update-diamond-princess.html>  
(last visited April 6, 2020).

1           96. To date, cruises run by CARNIVAL have been identified as  
2 responsible for more than 1,500 positive COVID-19 infections, and almost 40  
3 deaths.

4           97. On February 11, 2020, Defendants operated a roundtrip voyage from  
5 San Francisco to Mexico aboard the M/V GRAND PRINCESS. On or around  
6 February 19, 2020, Defendants became aware of at least one passenger suffering  
7 from COVID-19 symptoms onboard the M/V GRAND PRINCESS.

8           98. According to CARNIVAL's Chief Medical Officer, Grant Tarling,  
9 MD, MPH, Defendants believed the infected passenger was already carrying the  
10 virus when he boarded the M/V GRAND PRINCESS on February 11, 2020.<sup>10</sup>  
11 Despite their knowledge regarding COVID-19, Defendants had no effective  
12 passenger medical screening methods in place at the time of boarding.

13           99. Dr. Tarling reported that the infected passenger sought medical  
14 treatment from the medical center onboard the M/V GRAND PRINCESS on  
15 February 20, 2020. The passenger reported suffering from "acute respiratory  
16 distress" for about a week before seeking treatment. Upon information and belief,  
17 this information would have triggered mandatory reporting under 42 CFR 71.1 *et*  
18 *seq.* and constitutes a "hazardous condition" per 33 CFR § 160.216.<sup>11</sup>

19           100. Upon information and belief, at least three other passengers on the  
20 M/V GRAND PRINCESS's Mexico trip suffered from COVID-19 symptoms while  
21

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22 <sup>10</sup> Thomas Fuller, John Eligon, and Jenny Gross, *Cruise Ship, Floating Symbol of*  
23 *America's Fear of Coronavirus, Docks in Oakland*, The New York Times, March  
24 9, 2020, [https://www.nytimes.com/2020/03/09/us/coronavirus-cruise-ship-oakland-](https://www.nytimes.com/2020/03/09/us/coronavirus-cruise-ship-oakland-grand-princess.html)  
[grand-princess.html](https://www.nytimes.com/2020/03/09/us/coronavirus-cruise-ship-oakland-grand-princess.html) (last visited April 7, 2020).

25 <sup>11</sup> Section 160.216 requires that "[w]henver there is a hazardous condition ... on  
26 board a vessel or caused by a vessel or its operation, the owner, agent, master,  
27 operator, or person in charge must immediately notify the nearest Coast Guard  
28 Sector Office . . . ." A "[h]azardous condition means any condition that may  
adversely affect the safety of any vessel ... or the environmental quality of any port,  
harbor, or navigable waterway of the United States. It may, but need not,  
involve ... injury or illness of a person aboard ... ." 33 CFR § 160.202 (emphasis  
added).

1 on the vessel, likely exposing dozens of other passengers to the virus. At least 100  
2 passengers who traveled on board the M/V GRAND PRINCESS have tested  
3 positive for COVID-19, and two passengers who traveled on the M/V GRAND  
4 PRINCESS's Mexico trip died after disembarking. One of these fatalities was the  
5 first-reported death caused by COVID-19 in California.<sup>12</sup>

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

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

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

18 104. Defendants did not notify passengers who were scheduled to board the  
19 vessel on February 21, 2020, that passengers from the prior Mexico trip had  
20 reported COVID-19 symptoms, or of the fact that passengers remaining on board  
21

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22  
23 <sup>12</sup> It has since been discovered that other Californians suffered from and died as a  
24 result of COVID-19 prior to the February 11, 2020 cruise aboard the M/V GRAND  
25 PRINCESS. Nevertheless the death of a Placer County resident who traveled on 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 the M/V GRAND PRINCESS had been exposed to and might be infected with  
2 and/or carrying the virus.

3 105. On February 21, 2020, Plaintiffs embarked onto the M/V GRAND  
4 PRINCESS, and the ship departed the same day. The vessel sailed to Hawaii and  
5 made multiple stops on the Hawaiian Islands.

6 106. On February 25, 2020, while Plaintiffs were in the midst of the Hawaii  
7 trip aboard the M/V GRAND PRINCESS, CARNIVAL and PRINCESS sent  
8 emails to passengers who disembarked from the San Francisco-to-Mexico trip on  
9 February 21. The email alerted the past passengers about their potential exposure to  
10 COVID-19 during their time on the cruise. No such notice was effectively provided  
11 to passengers who were onboard the ship on February 25, 2020.

12 107. On February 29, 2020, the vessel left Hawaii.

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

15 109. CARNIVAL and PRINCESS did not inform the passengers on board  
16 the M/V GRAND PRINCESS of COVID-19 cases in passengers who traveled on  
17 the ship's Mexico trip until March 4, 2020, when, early in the morning, the  
18 Plaintiffs and other members of the proposed Class received a health advisory. The  
19 advisory explained that the ship would no longer be traveling to Ensenada, Mexico,  
20 as originally scheduled for March 5, and would instead return directly to San  
21 Francisco. Further, the advisory alerted passengers to the investigation of a "small  
22 cluster of COVID-19 cases in Northern California connected to" the M/V GRAND  
23 PRINCESS's Mexico trip, and informed passengers of their potential exposure to  
24 the virus.

25 110. Additionally, the advisory asserted that COVID-19 causes "mild  
26 illness is about 80% of cases," and that only "[a]bout 20% of people develop more  
27 severe symptoms."  
28

1           111. The March 4, 2020 health advisory suggested that passengers traveling  
2 on the Hawaii trip had already reported suffering from COVID-19 symptoms, and  
3 instructed other passengers who were experiencing or had at any time during the  
4 trip experienced symptoms “of acute respiratory illness with fever chills or cough”  
5 to immediately contact the ship’s Medical Center. Finally, the advisory  
6 recommended that passengers wash their hands, use hand sanitizer, avoid contact  
7 with those suffering from respiratory illness, cover their noses and mouths when  
8 coughing and sneezing, and avoid touching their eyes and face. It did not make any  
9 recommendations for quarantine or social distancing measures.

10           112. The March 4th health advisory was signed by Grant Tarling, MD,  
11 MPH , the Group Senior Vice President and Chief Medical Officer for CARNIVAL  
12 and its subsidiary PRINCESS. Tarling is the co-author of an article about  
13 respiratory viruses onboard cruise ships. The study acknowledged that cruise ships  
14 “represent a potential source for introduction of novel or antigenically drifted  
15 influenza virus strains to the United States” and that cruise ship characteristics, such  
16 as “close quarters and prolonged contact among travelers on ships and during land-  
17 based tours before embarkation, increase the risk of communicable disease  
18 transmission.”<sup>13</sup>

19           113. Upon information and belief, individuals who had continued on from  
20 the prior leg of the cruise to and from Mexico began cabin-based quarantine for the  
21 first time on or around March 4, 2020. At that time, Defendants cancelled only  
22 large public gatherings, and continued hosting other events that followed the  
23 “Princess Patter,” including Formal Night and its associated dinner.

24           114. Spurred by the COVID-19 outbreak on the M/V GRAND PRINCESS  
25 and the death of a passenger who had been on the Mexico trip, Governor Gavin  
26

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27 <sup>13</sup> Kimberly B. Rogers, MPH, Shahrokh Roohi, MPH, Timothy M. Uyeki, MD, *et*  
28 *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 Newsom declared a state of emergency on March 4, 2020, to manage the COVID-  
2 19 outbreak. As a result, the State of California refused to allow the vessel into port  
3 in San Francisco, forcing the vessel to anchor off the city's coast. Governor  
4 Newsom stated at a press conference that there were 11 passengers and 10 crew  
5 members experiencing symptoms.

6 115. On or about Thursday, March 5, 2020, two weeks after the ship sailed,  
7 Defendants instituted some operational changes, including cabin/state room  
8 quarantine, meal service within the cabins/state rooms, and cessation of daily  
9 turndown service and communal activities.

10 116. On or about March 9, 2020, the ship was allowed to sail and arrived in  
11 the San Francisco Bay escorted by the Coast Guard. The ship docked in the Port of  
12 Oakland met by ambulances and medical personnel. During the night, a CDC  
13 employee, in full hazmat gear, knocked on the door of the cabins asking passengers  
14 if they had any symptoms.

15 117. On or about March 10, 2020, passengers, including Plaintiffs, were  
16 finally allowed to disembark. Most were shuttled to Travis Air Force Base in  
17 Solano County, California for further quarantine. Other passengers were transported  
18 to Asilomar State Beach and Conference Grounds in Pacific Grove, or to other  
19 military bases, including Dobbins Air Force Base.

20 118. At the time of this filing, Defendant CARNIVAL has cancelled future  
21 cruises embarking from San Francisco through the end of 2020. However,  
22 CARNIVAL's website indicates that it intends to begin operating certain cruise  
23 ships as early as August 1, 2020, potentially posing grave threats to their  
24 passengers, crew members, and the public health.<sup>14</sup>

25 119. If Plaintiffs had known the serious and actual risks of contracting or  
26 spreading COVID-19 while onboard the M/V GRAND PRINCESS, including

27 \_\_\_\_\_  
28 <sup>14</sup> See Carnival, Health and Safety Updates, <https://www.carnival.com/health-and-sailing-updates> (last visited June 1, 2020).



1 because passengers from the M/V GRAND PRINCESS's San Francisco-to-Mexico  
2 trip had suffered from COVID-19 and / or that passengers exposed to COVID-19  
3 on the Mexico trip remained onboard the M/V GRAND PRINCESS, Plaintiffs  
4 would not have sailed on the February 21, 2020, roundtrip voyage to Hawaii.

5 120. As a direct and proximate result of Defendants' acts and omissions,  
6 Plaintiff NANCY ALVIS became infected with COVID-19. She began showing  
7 symptoms while onboard the M/V GRAND PRINCESS, but when she sought  
8 medical care on the ship, the only aid she received was ibuprofen that was sent to  
9 her cabin.

10 121. As a direct and proximate result of Defendants' acts and omissions,  
11 Plaintiff PAMELA GIUSTI became infected with and was diagnosed and treated  
12 for COVID-19 in an intensive care unit at Kaiser Permanente Medical Center.

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

20 123. Plaintiffs and Class Members were traumatized by the fear of  
21 developing COVID-19 as well as by their confinement on an infected vessel in  
22 isolation and for two weeks, on military bases, in some cases knowing that their  
23 friends and loved ones were suffering from, or could contract, a potentially lethal  
24 illness.

25 124. Furthermore, as public health experts and physicians learn more about  
26 the myriad ways COVID-19 attacks and damages the body, Plaintiffs and Class  
27 Members develop new and evolving medical fears and uncertainties that require  
28 and will continue to require medical diagnostic exams. Plaintiffs and the Class

1 Members are suffering and will continue to suffer due to the ever-present fear and  
2 anxiety that they will or may later experience negative health outcomes or  
3 complications as a direct and proximate result of being exposed to, and potentially  
4 contracting, COVID-19 because of Defendants' negligent and grossly negligent  
5 acts and omissions.

6 125. It is expected that, as a result of Defendants' negligence and gross  
7 negligence, they will continue to suffer and will, in the future, require medical  
8 services outside of the kinds accepted as part of the typical wear and tear of daily  
9 life.

10 **NOTICE**

11 126. Section 16(A)(i) of the Passage Contract purports to require that  
12 claimants provide notice to PRINCESS and CARNIVAL of any potential claims.  
13 Although Plaintiffs do not concede that this provision is enforceable, Plaintiffs and  
14 Class Members have complied with this requirement by providing written notice to  
15 Defendants' electronically on April 7, 2020; April 20, 2020; April 27, 2020; May 1,  
16 2020.

17 **CLASS ACTION ALLEGATIONS**

18 127. Plaintiffs bring this lawsuit as a class action on behalf of themselves  
19 and all similarly-situated persons pursuant to Federal Rules of Civil Procedure  
20 23(a) and (b)(1), (b)(2), (b)(3), and/or (c)(4). This action satisfies the applicable  
21 numerosity, commonality, typicality, adequacy, predominance, and/or superiority  
22 requirements of those provisions.

23 128. The proposed Class is defined as follows: All persons in the United  
24 States, who sailed as passengers on the M/V GRAND PRINCESS cruise from San  
25 Francisco, California, leaving on February 21, 2020, roundtrip to Hawaii.

26 129. Excluded from the proposed Class are: (1) CARNIVAL and  
27 PRINCESS, any entity or division in which either have a controlling interest, and  
28 its legal representatives, officers, directors, assigns and successors; (2) the judicial

1 officer(s) to whom this case is assigned and the judicial officer(s)' immediate  
2 family and legal staff; and (3) governmental entities. Plaintiffs reserve the right to  
3 amend the Class definition if discovery and further investigation reveal that the  
4 Class should be expanded, otherwise divided into subclasses, or modified in any  
5 other way.

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

10 **A. Numerosity**

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

22 **B. Typicality**

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

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

4 **C. Adequate Representation**

5 133. Plaintiffs ROBERT ARCHER, MARLENE ARCHER, PAMELA  
6 GIUSTI, MICHAEL GIUSTI, VALERIE PASQUINI WILLSEA, MICHAEL R.  
7 NEKY, GINA M. PALLOTTA, JOSEPH CLARK, VIOLA CLARK, RAUL  
8 PANGILINAN, DENCY PANGILINAN, AMY ROTHMAN, JORDAN BLYNN,  
9 JOSEPH BALLIN, VICTORIA BALLIN, DAVID LEANDRES, and DIANNE  
10 LEANDRES will fairly and adequately represent and protect the interests of the  
11 Class Members. Plaintiffs ROBERT ARCHER, MARLENE ARCHER, PAMELA  
12 GIUSTI, MICHAEL GIUSTI, VALERIE PASQUINI WILLSEA, MICHAEL R.  
13 NEKY, GINA M. PALLOTTA, JOSEPH CLARK, VIOLA CLARK, RAUL  
14 PANGILINAN, DENCY PANGILINAN, AMY ROTHMAN, JORDAN BLYNN,  
15 JOSEPH BALLIN, VICTORIA BALLIN, DAVID LEANDRES, and DIANNE  
16 LEANDRES have retained counsel with substantial experience in prosecuting class  
17 actions, aggregate suits, and mass torts.

18 134. Plaintiffs ROBERT ARCHER, MARLENE ARCHER, PAMELA  
19 GIUSTI, MICHAEL GIUSTI, VALERIE PASQUINI WILLSEA, MICHAEL R.  
20 NEKY, GINA M. PALLOTTA, JOSEPH CLARK, VIOLA CLARK, RAUL  
21 PANGILINAN, DENCY PANGILINAN, AMY ROTHMAN, JORDAN BLYNN,  
22 JOSEPH BALLIN, VICTORIA BALLIN, DAVID LEANDRES, and DIANNE  
23 LEANDRES and their counsel are committed to vigorously prosecuting this action  
24 on behalf of all Class Members, and have the financial resources to do so. Neither  
25 Plaintiffs ROBERT ARCHER, MARLENE ARCHER, PAMELA GIUSTI,  
26 MICHAEL GIUSTI, VALERIE PASQUINI WILLSEA, MICHAEL R. NEKY,  
27 GINA M. PALLOTTA, JOSEPH CLARK, VIOLA CLARK, RAUL  
28 PANGILINAN, DENCY PANGILINAN, AMY ROTHMAN, JORDAN BLYNN,

1 JOSEPH BALLIN, VICTORIA BALLIN, DAVID LEANDRES, and DIANNE  
2 LEANDRES nor their counsel have interests adverse to those of the Class  
3 Members.

4 **D. Predominance of Common Issues**

5 135. There are numerous questions of law and fact, including those related  
6 to Defendants' knowledge, conduct, and duty throughout the events described in  
7 this Complaint, common to Plaintiffs and Class Members that predominate over  
8 any question affecting only individual Class Members, the answers to which will  
9 advance resolution of the litigation as to all Class Members. These common legal  
10 and factual issues include, *inter alia*:

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

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

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

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

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

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

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

8 h. interpretation of the applicable contract documents and the  
9 associated “Passenger Bill of Rights” incorporated therein;

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

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

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

16 l. whether the conduct of any or all of the defendants warrants the  
17 imposition of punitive damages to vindicate the societal interest in punishment and  
18 deterrence.

19 **E. Superiority**

20 136. Plaintiffs and Class Members have all suffered and will continue to  
21 suffer harm and damages as a result of CARNIVAL’s and PRINCESS’s unlawful  
22 and wrongful conduct. A class action is superior to other available methods for the  
23 fair and efficient adjudication of this controversy.

24 137. Absent a class action, most Class Members would likely find the cost  
25 of litigating their claims prohibitively high and would therefore have no effective  
26 remedy at law. Because of the relatively small size of the individual Class  
27 Members’ claims (compared to the cost of litigation), it is likely that only a few  
28 Class Members could afford to seek legal redress for Defendants’ misconduct.

1 Absent a class action, Class Members will continue to incur damages, and  
2 Defendants' misconduct will continue without remedy.

3 138. Class treatment of common questions of law and fact is superior to  
4 other available procedures, such as multiple individual actions or piecemeal  
5 litigation because class treatment will conserve the resources of the courts and the  
6 litigants, and will promote consistency and efficiency of adjudication.

7 **F. Limited Fund**

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

16 **G. Mass Action**

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

21 141. Plaintiffs' individual claims exceed the required jurisdictional amount  
22 of \$75,000.00.

23 **CLAIMS FOR RELIEF**

24 **FIRST CAUSE OF ACTION**  
25 **NEGLIGENCE AGAINST ALL DEFENDANTS**

26 142. Plaintiffs re-allege all allegations in all preceding paragraphs as if  
27 alleged fully herein.

28



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

4 144. Likewise, Defendants owed Plaintiffs and the Class a duty to take  
5 actions to prevent and mitigate the risk of threats to passengers' health and safety,  
6 including by ensuring that the M/V GRAND PRINCESS was properly cleaned,  
7 disinfected, and safely maintained.

8 145. Defendants knew or should have known that cruise ships pose an  
9 especially severe risk of viral outbreak. Defendants knew or should have known  
10 that cruise ships owned and operated by Defendants had been the sites of prior,  
11 lethal outbreaks of COVID-19, and should have been aware of new guidelines for  
12 the cruise industry published by Dr. Hadjichristoulou and a team of European  
13 experts on February 3, 2020. In particular, Defendants had knowledge of the actual  
14 risks facing passengers based on the outbreak of the virus on the DIAMOND  
15 PRINCESS a mere three weeks prior to the instant outbreak.

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

21 147. Defendants knew or should have known that crew members aboard the  
22 M/V GRAND PRINCESS were or could have been exposed to COVID-19 and  
23 were or could have been carriers of the virus.

24 148. Defendants failed to do what a reasonably careful cruise ship owner  
25 and operator would do under the circumstances.

26 149. Defendants breached their duty to Plaintiffs and the Class when, with  
27 the aforementioned knowledge, Defendants nevertheless chose to embark on the  
28 San Francisco-Hawaii voyage.

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

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

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

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

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

6           155. Finally, Defendants continued to breach their duties to Plaintiffs and  
7 the Class when, throughout the duration of the M/V GRAND PRINCESS's San  
8 Francisco-Hawaii voyage, with the aforementioned knowledge and without any  
9 warning to Plaintiffs and the Class, they, *inter alia*, chose not to implement  
10 quarantine or social distancing protocols; chose to continue operating large, public  
11 gatherings and meals; chose to continue to operate daily turndown service; and  
12 chose to continue hosting communal activities.

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

16           157. As a direct and proximate result of Defendants' breach of their duties  
17 of care, Plaintiff NANCY ALVIS became infected with and ill from COVID-19.

18           158. As a direct and proximate result of Defendants' breach of their duties  
19 of care, Plaintiff PAMELA GIUSTI became infected and was diagnosed and treated  
20 for COVID-19 in an intensive care unit at Kaiser Permanente Medical Center.

21           159. As a direct and proximate result of the aforementioned negligence of  
22 Defendants in exposing them to actual risk of immediate physical injury, Plaintiffs  
23 and the Class have suffered physical injury, emotional distress of the nature and  
24 type that reasonable persons would suffer under the circumstances alleged in this  
25 Complaint, including, but not limited to, suffering, anguish, fright, horror,  
26 nervousness, grief, anxiety, worry, shock, humiliation and shame. They were  
27 traumatized by the fear of developing COVID-19. They were confined on an  
28 infected vessel in isolation and then were confined at Travis Air Force Base for two

1 weeks. It is expected that they will continue to suffer and will, in the future, require  
2 medical services not of a kind generally anticipated as part of the effects of daily  
3 life.

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

6 160. Plaintiffs re-allege all allegations in all preceding paragraphs as if  
7 alleged fully herein.

8 161. Defendants owed duties to Plaintiffs and the Class to: safeguard  
9 against and mitigate the risks of passenger injury and illness; appropriately disinfect  
10 and sanitize the M/V GRAND PRINCESS, in light of the circumstances of a global  
11 pandemic; notify Plaintiffs and the Class of the actual and especially high risk of  
12 contracting COVID-19 aboard the M/V GRAND PRINCESS; disembark  
13 passengers and crew members who had likely come into contact with individuals  
14 infected with COVID-19; and implement medical screening and examination  
15 protocols for crew and passengers.

16 162. Defendants knew of the unreasonably high risk of viral contagion of  
17 COVID-19 on cruise ships, and Defendants knew that it was especially dangerous  
18 to expose Plaintiffs and the rest of the Class to COVID-19 in light of the situation  
19 on the DIAMOND PRINCESS off the coast of Japan only 3 weeks prior.

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

27 164. Defendants' failure to abide by the guidelines issued on February 3,  
28 2020, by not disembarking, on February 21, 2020, passengers known to have been

1 in casual contact with individuals who reported COVID-19 symptoms constitutes a  
2 failure to provide even a modicum of care to Plaintiffs and the Class. Furthermore,  
3 the continued and repeated choice not to quarantine or otherwise shelter in their  
4 cabins the passengers and crew members who traveled on the San Francisco-  
5 Mexico voyage demonstrates a willful and conscious disregard for the rights and  
6 safety of others and amounts to an extreme departure of what a reasonably careful  
7 cruise ship owner and operator would do.

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

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

28

1           167. Defendants chose to place profits over people, including the safety of  
2 their passengers, crew, and the general public in continuing to operate business as  
3 usual, despite their knowledge of the actual—potentially lethal—risk to Plaintiffs  
4 and the Class.

5           168. As a direct and proximate result of Defendants’ conduct, Plaintiffs  
6 were placed at actual, continual risk of immediate, and potentially fatal, physical  
7 injury.

8           169. Indeed, as a direct and proximate result of Defendants’ extreme  
9 departure from the ordinary standard of care and their failure to meet their duties of  
10 care to Plaintiffs and the Class by providing even scant care, Plaintiff NANCY  
11 ALVIS became infected with and ill from COVID-19.

12           170. As a direct and proximate result of Defendants’ breach of their duties  
13 of care, Plaintiff PAMELA GIUSTI became infected with and was diagnosed and  
14 treated for COVID-19 in an intensive care unit at Kaiser Permanente Medical  
15 Center.

16           171. Finally, as a direct and proximate result of Defendants’ gross  
17 negligence in exposing Plaintiffs and the Class to actual risk of immediate physical  
18 injury, Plaintiffs and the Class have suffered emotional distress of the nature and  
19 type that reasonable persons would suffer under the circumstances alleged in this  
20 Complaint, including, but not limited to, suffering, anguish, fright, horror,  
21 nervousness, grief, anxiety, worry, shock, humiliation and shame. They were  
22 traumatized by the fear of developing COVID-19. They were confined on an  
23 infected vessel in isolation and then were confined at federal facilities, including  
24 Travis Air Force Base, for approximately two weeks. It is expected that they will  
25 continue to suffer and will, in the future, require medical services not of a kind  
26 generally accepted as a typical part of daily life.

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1 **THIRD CAUSE OF ACTION**  
2 **NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS**

3 172. Plaintiffs re-allege all allegations in all preceding paragraphs as if  
4 alleged fully herein.

5 173. Defendants knew or should have known of the actual risk of viral  
6 contagion of COVID-19 aboard cruise ships, and, in light of the situation on the  
7 DIAMOND PRINCESS only 3 weeks prior to the instant voyage on the M/V  
8 GRAND PRINCESS, Defendants knew or should have known that it was especially  
9 dangerous to expose Plaintiffs and the rest of the Class to COVID-19.

10 174. Defendants also knew or should have known that passengers aboard  
11 the San Francisco-to-Mexico trip on the M/V GRAND PRINCESS had experienced  
12 symptoms of COVID-19 and were eventually diagnosed with COVID-19.

13 175. Nevertheless, Defendants chose to board Plaintiffs and the Class onto  
14 the M/V GRAND PRINCESS on February 21, 2020 without instituting any  
15 procedures for medical screening or examination. Defendants then chose to embark  
16 upon the Hawaii-bound voyage, essentially trapping Plaintiffs and the Class on a  
17 vessel infested with COVID-19. Throughout the duration of the trip, Defendants  
18 continually and repeatedly: failed to take any effective actions to prevent or  
19 mitigate the spread of COVID-19 throughout the crew members and/or passengers;  
20 failed to alert passengers to the possibility of infection aboard the ship; hosted and  
21 encouraged participation in large group activities and events that Defendants knew  
22 could lead to large-scale infection among the crew and passengers.

23 176. These choices by Defendants created a dangerous and threatening  
24 environment in which Plaintiffs and the Class were forced to live for two weeks, at  
25 all times directly at risk of becoming infected with, made ill by, and/or spreading  
26 COVID-19.

27 177. As the direct and proximate result of Defendants' actions and  
28 omissions throughout the duration of their voyage aboard the M/V GRAND



1 PRINCESS, Plaintiffs and members of the Class were in the “zone of danger,”  
2 where they were at immediate risk of actual physical harm, including the potential  
3 of contracting COVID-19, suffering from the illness—including experiencing  
4 shortness of breath, coughing, body aches, fever, and/or any number of yet-to-be-  
5 identified future ailments, such as liver damage, kidney failure, or blood clotting—  
6 and potentially death as a result of the virus.

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

15 179. As a direct and proximate result of Defendants’ extreme departure  
16 from the ordinary standard of care and their failure to meet their duties of care to  
17 Plaintiffs and the Class by providing even scant care, Plaintiff NANCY ALVIS  
18 became infected with and ill from COVID-19.

19 180. Finally, as a direct and proximate result of Defendants’ gross  
20 negligence in exposing Plaintiffs and the Class to actual risk of immediate physical  
21 injury, Plaintiffs and the Class have suffered emotional distress of the nature and  
22 type that reasonable persons would suffer under the circumstances alleged in this  
23 Complaint, including, but not limited to, suffering, anguish, fright, horror,  
24 nervousness, grief, anxiety, worry, shock, humiliation and shame related to their  
25 own risk of contracting COVID-19 and the suffering they witnessed among their  
26 fellow passengers who contracted COVID-19. Plaintiffs and members of the class  
27 were traumatized by the fear of their family members, friends and fellow  
28 passengers developing COVID-19 and by the threat to their own health of

1 becoming infected with the virus or suffering future negative health outcomes or  
2 complications related to exposure to and / or contraction of the virus.

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

10 **FOURTH CAUSE OF ACTION**  
11 **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

12 182. Plaintiffs re-allege all allegations in all preceding paragraphs as if  
13 alleged fully herein.

14 183. Defendants knew or should have known of the actual risk of viral  
15 contagion of COVID-19 aboard cruise ships, and, based on their experience with  
16 COVID-19 aboard the DIAMOND PRINCESS only 3 weeks prior to the instant  
17 voyage on the M/V GRAND PRINCESS, Defendants knew or should have known  
18 that it was especially dangerous to expose Plaintiffs and the rest of the Class to  
19 COVID-19.

20 184. Defendants also knew or should have known that passengers aboard  
21 the San Francisco-to-Mexico trip on the M/V GRAND PRINCESS had experienced  
22 symptoms of COVID-19 and were eventually diagnosed with COVID-19.

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

27 186. In light of this knowledge and experience, and particularly given that  
28 cruise ships present an especially heightened risk of contagion, Defendants

1 exhibited extreme and outrageous conduct when, *inter alia*, Defendants boarded  
2 Plaintiffs and the Class onto the M/V GRAND PRINCESS on February 21, 2020,  
3 for the Hawaii-bound trip without taking any effective measures to medically  
4 screen or examine passengers for COVID-19 symptoms.

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

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

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

25 190. Defendants continued to behave extremely and outrageously when  
26 they: encouraged Plaintiffs and the Class to continue mingling and participating in  
27 large group events and functions throughout the duration of the trip; continued to  
28 provide turn down service to passengers despite the fact that over 1,000 crew

1 members had been exposed to COVID-19 on the Mexico trip; and failed to institute  
2 any policies for quarantine, isolation, or social distancing for passengers until  
3 March 4, 2020.

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

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

14 193. As a direct and proximate result of Defendants' extreme departure  
15 from the ordinary standard of care and their failure to meet their duties of care to  
16 Plaintiffs and the Class by providing even scant care, Plaintiff NANCY ALVIS  
17 became infected with and ill from COVID-19.

18 194. As a direct and proximate result of Defendants' departure from the  
19 ordinary standard of care and their failure to meet the duties they owed to Plaintiffs  
20 and the Class by providing even scant care, Plaintiff PAMELA GIUSTI became  
21 infected, and was diagnosed and treated for COVID-19 in an intensive care unit at  
22 Kaiser Permanente Medical Center.

23 195. Finally, as a direct and proximate result of Defendants' behavior,  
24 which exposed Plaintiffs and the Class to actual risk of immediate physical injury,  
25 Plaintiffs and the Class have suffered emotional distress of the nature and type that  
26 reasonable persons would suffer under the circumstances alleged in this Complaint,  
27 including, but not limited to, suffering, anguish, fright, horror, nervousness, grief,  
28 anxiety, worry, shock, humiliation, and shame related to their own risk of

1 contracting COVID-19 and the suffering they witnessed among their fellow  
2 passengers who contracted COVID-19. Plaintiffs and members of the class were  
3 traumatized by the fear of their family members, friends and fellow passengers  
4 developing COVID-19 and by the past and ongoing threat to their own health of  
5 becoming infected with the virus and potentially suffering from as-yet-unidentified  
6 negative health outcomes and complications.

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

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

21  
22 **PRAYER FOR RELIEF**

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

25 1. An order certifying the proposed Class pursuant to Fed. R. Civ. P. Rule  
26 23(a) and (b)(1), (b)(2), (b)(3) and/or (c)(4), designating Plaintiffs ROBERT  
27 ARCHER, MARLENE ARCHER, PAMELA GIUSTI, MICHAEL GIUSTI,  
28 VALERIE PASQUINI WILLSEA, MICHAEL R. NEKY, GINA M. PALLOTTA,

1 JOSEPH CLARK, VIOLA CLARK, RAUL PANGILINAN, DENCY  
2 PANGILINAN, AMY ROTHMAN, JORDAN BLYNN, JOSEPH BALLIN,  
3 VICTORIA BALLIN, DAVID LEANDRES, and DIANNE LEANDRES as named  
4 representatives of the Class and designating the undersigned as Class Counsel;

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

9 3. An 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 4. An injunction requiring Defendants to provide for the ongoing medical  
19 monitoring and diagnostic examinations required to diagnose, prevent, and/or treat  
20 current or future injury related to Plaintiffs' and Class Members' exposure to and  
21 potential contraction of COVID-19, in light of the evolving scientific understanding  
22 of the full risk and scope of health outcomes related to and / or resulting from the  
23 virus;

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

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

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





1 Dated: June 2, 2020

LIEFF CABRASER HEIMANN &  
BERNSTEIN, LLP

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By: /s/ Elizabeth J. Cabraser

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13

14 Dated: June 2, 2020

SAUDER SCHELKOPF LLC

15

16

By: /s/ Joseph G. Sauder

17

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forthcoming)

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*Attorneys for Plaintiffs*

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**CERTIFICATE OF SERVICE**

I, Elizabeth J. Cabraser, hereby certify that on June 2, 2020, I caused to be electronically filed **FIRST AMENDED CLASS ACTION COMPLAINT FOR DAMAGES** with the Clerk of the United States District Court for the Central District of California using the CM/ECF system, which shall send electronic notification to all counsel of record.

/s/ Elizabeth J. Cabraser  
Elizabeth J. Cabraser