	Case 2:19-cv-00865 Document	1 Filed 06/05/19 Page 1 of 6
1		
2		
3		
4		
5		
6		
7	UNITED STATES DISTRICT COURT WESTERN DISTRICT OF WASHINGTON	
8 9	AT SEA	TTLE
9 10	MARGARET DALLO,	
10	Plaintiff,	NO.
11	V.	COMPLAINT FOR DAMAGES FOR PERSONAL INJURIES
12	HOLLAND AMERICA LINE, INC., a Washington corporation; HOLLAND	JURY DEMAND
13	AMERICA LINE - U.S.A. INC, a Delaware corporation; HOLLAND AMERICA LINE	
15	N.V. LLC, a Curacao corporation; and HAL ANTILLEN N.V., a Curacao corporation,	
16	Defendants.	
17	COMES NOW the above-captioned Plaintiff, by and through her undersigned attorney	
18	of record, David P. Roosa of FRIEDMAN   RUBIN, and for cause of action alleges and asserts	
19	as follows:	
20	I. PARTIES	
21	1. Plaintiff Margaret Dallo is a resident of El Cajon, San Diego County, California,	
22	and is a citizen of California.	
23		
	COMPLAINTFORDAMAGESFORPERSONALFRIEDMAN   RUBININJURIES; JURY DEMAND – Page 11109 – 1 <sup>st</sup> Avenue, Suite 501Seattle, WA 98101Dallo v. HAL, et al., Case No.(206) 501-4446	

## Case 2:19-cv-00865 Document 1 Filed 06/05/19 Page 2 of 6

Defendant Holland America Line, Inc. (hereinafter "HAL, Inc."), is a corporation formed and existing by virtue of the laws of the state of Washington. Defendant HAL, Inc., has its principal place of business in Seattle, King County, Washington, and was an agent of Defendants Holland America Line N.V. and HAL Antillen N.V. at all times material hereto.

3. Defendant Holland America Line – U.S.A. Inc. (hereinafter "HAL – U.S.A.") is a corporation formed and existing by virtue of the laws of the state of Delaware. Defendant HAL – U.S.A. has its principal place of business in Seattle, King County, Washington, and was an agent of Defendants Holland America Line N.V. and HAL Antillen N.V. at all times material hereto.

4. Defendant Holland America Line N.V. LLC (hereinafter "HAL N.V.") is a foreign corporation formed and existing by virtue of the laws of Curacao. Defendant HAL N.V. chartered the *ms Eurodam* at all times material hereto.

5. Defendant HAL Antillen N.V. (hereinafter "HAL Antillen N.V.") is a foreign corporation formed and existing by virtue of the laws of Curacao. Defendant HAL Antillen N.V. owned the *ms Eurodam* at all times material hereto.

## **II. JURISDICTION AND VENUE**

6. This Court has subject-matter jurisdiction over Plaintiff's claims pursuant to 28 U.S.C. § 1332 (diversity) because the amount in controversy exceeds \$75,000, exclusive of interest and costs, and there exists complete diversity of citizenship between Plaintiff, who is a California citizen, and Defendants HAL N.V. and HAL Antillen N.V., both Curacao corporations, and Defendants HAL, Inc. and HAL – U.S.A., both Washington corporations.

COMPLAINT FOR DAMAGES FOR PERSONAL INJURIES; JURY DEMAND – Page 2 Dallo v. HAL, et al., Case No. \_\_\_\_\_

FRIEDMAN | RUBIN 1109 – 1<sup>st</sup> Avenue, Suite 501 Seattle, WA 98101 (206) 501-4446

## Case 2:19-cv-00865 Document 1 Filed 06/05/19 Page 3 of 6

7. This Court has personal jurisdiction over Defendants HAL, N.V.; HAL Antillen 1 N.V.; HAL, Inc.; and HAL – U.S.A. General jurisdiction exists for all defendants based on their 2 3 substantial, continuous, and systematic business contacts with the state of Washington. 8. Venue is proper in this District under 28 U.S.C.§ 1391(b), (c) because all of the 4 defendants are subject to the Court's personal jurisdiction with respect to the civil action in 5 question and therefore reside within this District. 6 9. Personal jurisdiction also exists and venue is also properly lodged in this Court 7 pursuant to the forum-selection clause contained in the Cruise Contract. 8 9 **III. FACTS OF THE OCCURRENCE** 10. Plaintiff entered into a contract of carriage with the defendants, which was issued 10 in Seattle, Washington, for the purpose of passage on the vessel *ms Eurodam* for a cruise. 11 11. The *ms Eurodam* is a luxury passenger cruise ship owned and operated by 12 Defendants in their business as a provider of cruise services and travel. 13 12. 14 The cruise began in the port of San Diego on or about November 11, 2018, and was scheduled for a 17-day round trip voyage to Hawaii and back. 15 13. On or about November 26, 2018, Ms. Dallo was walking down a hallway where 16 passengers frequently walked, when a HAL employee suddenly and without warning opened a 17 door outward into the hallway, striking her and pushing her to her side, causing her to fall, 18 whereupon she struck her head on the wall or door on the opposite side of the hallway. 19 14. As a direct and proximate result of this occurrence, Ms. Dallo suffered serious 20 injuries including, but not limited to a traumatic brain injury. 21 22

COMPLAINT FOR DAMAGES FOR PERSONAL INJURIES; JURY DEMAND – Page 3 Dallo v. HAL, et al., Case No. \_\_\_\_\_

23

1 15. Defendants' staff aboard the *ms Eurodam* failed to use due care for the safety of
 others in opening the door suddenly outward into a hallway where passengers were expected to
 be walking.

16. Upon information and belief, Defendants failed to properly post warnings, implement policies and procedures, or otherwise take steps that would have prevented this incident from occurring.

17. Plaintiff committed no negligent act and was not at-fault for the subject incident.
18. At all times material hereto, each of the defendants were agents, employees, and/or representatives of each other and acted within the course and scope of their employment and/or agency.

19. Plaintiff was a fare-paying passenger aboard the *ms Eurodam* at all times material hereto.

20. Plaintiff has met all conditions precedent to maintaining this action including delivering written notice of her claim pursuant to the "Cruise and Cruisetour Contract" (hereinafter "Cruise Contract").

## IV. LIABILITY (TORTIOUS CONDUCT AND INACTION)

21. Plaintiff realleges and incorporates by reference the allegations in Paragraphs 1 through 20 above as if fully set forth herein.

22. Defendants owed Plaintiff a duty to exercise reasonable care under the circumstances. This duty included (a) a duty to warn passengers of an unreasonably dangerous condition of which they were actually or constructively aware, (b) a duty to properly maintain the vessel in a reasonably safe condition, and (c) a duty to exercise reasonable care for the safety of its passengers on their ship.

COMPLAINT FOR DAMAGES FOR PERSONAL INJURIES; JURY DEMAND – Page 4 Dallo v. HAL, et al., Case No. \_\_\_\_\_

FRIEDMAN | RUBIN 1109 – 1<sup>st</sup> Avenue, Suite 501 Seattle, WA 98101 (206) 501-4446

23

4

5

Case 2:19-cv-00865 Document 1 Filed 06/05/19 Page 5 of 6

Defendants knew or reasonably should have known about the unreasonably
 dangerous condition posed by the placement of the door and the lack of warning to passengers
 when the door was opening.

24. The unreasonably dangerous condition posed by the door was not apparent, open, or obvious to Plaintiff.

25. It is reasonably foreseeable that a door of this kind could cause injury to passengers walking by if opened without due caution.

26. Defendants breached their duty of reasonable care by, *inter alia*, failing to warn Plaintiff of the unreasonably dangerous condition posed by the door, failing to open the door with due care and caution, and failing to implement and follow appropriate safety precautions that could have prevented this incident.

27. Plaintiff's injuries and damages are a direct and proximate result of Defendants' negligent failures and/or omissions alleged herein.

V. DAMAGES

28. Plaintiff realleges and incorporate by reference the allegations in Paragraphs 1 through 27 above as if fully set forth herein.

29. As a direct and proximate result of Defendants' negligence, Plaintiff has incurred reasonable and necessary medical expenses, and will incur future medical expenses related to Defendants' negligence.

30. As a further direct and proximate result of Defendants' negligence, Plaintiff has
experienced pain and suffering, both mental and physical, and disability, and with a reasonable
certainty will experience same in the future. Further, Plaintiff has suffered a reduction in
Plaintiff's ability to enjoy life, both past and future, as she previously enjoyed.

COMPLAINT FOR DAMAGES FOR PERSONAL INJURIES; JURY DEMAND – Page 5 Dallo v. HAL, et al., Case No. \_\_\_\_\_

1	VII. JURY DEMAND	
2	31. Pursuant to Federal Rule of Civil Procedure 38(b), Plaintiff demands a trial by	
3	jury as to all issues so triable in this action.	
4	VIII. RELIEF REQUESTED	
5	WHEREFORE, Plaintiff requests the following relief against Defendants, jointly and	
6	severally:	
7	A. For monetary judgment in such sum as will fully and fairly compensate Plaintiff	
8	for her injuries, general damages, special damages, including prejudgment interest, other	
9	damages to be proven at trial, and attorney fees and costs and disbursements herein, together	
10	with such other relief as the Court deems fair and equitable.	
11	DATED this 5 <sup>th</sup> day of June, 2019.	
12	<u>/s/David P. Roosa</u> David P. Roosa, WSBA #45266	
13	Kenneth R. Friedman, WSBA #17148 FRIEDMAN RUBIN	
14	1109 – 1 <sup>st</sup> Avenue, Suite 501 Seattle, WA 98101	
15	Telephone: (206) 501-4446 E-mail: droosa@friedmanrubin.com	
16	kfriedman@friedmanrubin.com Attorneys for Plaintiff	
17		
18		
19		
20		
21		
22		
23		
	COMPLAINTFORDAMAGESFORPERSONALFRIEDMAN   RUBININJURIES; JURY DEMAND – Page 61109 – 1 <sup>ST</sup> AVENUE, SUITE 5011109 – 1 <sup>ST</sup> AVENUE, SUITE 501Dallo v. HAL, et al., Case No.SEATTLE, WA 98101(206) 501-4446	