

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

Case Number: 23-24039-CIV-MARTINEZ

CHRISTINA CHAMBERLAIN,

Plaintiff,

v.

ROYAL CARIBBEAN CRUISES LTD.,

Defendant.

ORDER GRANTING DEFENDANT’S MOTION FOR SUMMARY JUDGMENT

THIS CAUSE came before this Court on Defendant Royal Caribbean Cruises LTD.’s Motion for Summary Judgment (“Motion”), (ECF No. 32). This Court has reviewed the Motion, Plaintiff’s Response, (ECF No. 37), Defendant’s Reply, (ECF No. 41), pertinent portions of the record, and applicable law and is otherwise fully advised of the premises. Accordingly, after careful consideration, the Motion is **GRANTED** for the reasons set forth herein.

I. BACKGROUND¹

The instant action arises from an incident that occurred onboard the vessel Royal Caribbean *Mariner of the Seas*, a ship in navigable water, while Plaintiff was a passenger onboard. (Compl., ECF No. 1 ¶¶ 7–8). Plaintiff alleges that she was injured as a result of colliding with a glass door that malfunctioned and failed to open. (Compl. ¶¶ 10, 12).

¹ The facts are undisputed unless stated otherwise. Where the facts are in dispute, the Court construes them in favor of the non-moving party. *See Furcron v. Mail Ctrs. Plus, LLC*, 843 F.3d 1295, 1303–04 (11th Cir. 2016).

On May 4, 2023, at around 11:30 p.m., Plaintiff walked across the Starboard side of Deck 12, carrying a drink in each hand. (ECF No. 34 at :19–:25; Pl. Decl., ECF No. 37-1 ¶ 4). Plaintiff spotted the mechanical automatic glass panel door and walked towards it. (ECF No. 34 at :25). “The door was made of a single glass panel with no markings or other objects on or across it” (Pl. Decl. ¶ 4). After pausing to take a sip of her drink, Plaintiff continued walking towards the door without slowing down. (ECF No. 34 at :25–:29). The door did not automatically open, and Plaintiff made a forceful impact into the door and fell to the ground. (*Id.* at :29–:31). Plaintiff stated that “[t]he entire time I was walking toward the door. I saw the door.” (Pl.’s Resp. to Interrogatories, ECF No. 31-1 ¶ 6). “At all times prior to the incident, [Plaintiff] believe[d] the door was opened and could be passed through safely.” (Pl.’s Decl. ¶ 9).

Plaintiff brings four causes of action against Defendant: (I) Negligence—Failure to Act Reasonably and Maintain the Walkway in a Reasonably Safe Condition; (II) Negligence—Failure to Reasonably and Properly Warn; (III) Negligence—Failure to Design a Safe Passageway and Mechanical Door System; and (IV) Negligence—Actual or Constructive Notice. (*See* Compl.). Defendant moves for summary judgment on the grounds that Plaintiff’s Complaint and the record evidence do not establish a cause of action against Defendant. (*See* Mot. at 1–2). Specifically, Defendant contends that the condition Plaintiff complains of was open and obvious, there is no evidence that the subject door malfunctioned, and there is no evidence that Defendant was on notice of the alleged dangerous conditions. (*Id.*).

II. LEGAL STANDARD

Under Federal Rule of Civil Procedure 56, a court must grant summary judgment if “depositions, documents, electronically stored information, affidavits or declarations, stipulations . . . , interrogatory answers, or other materials . . . show . . . that there is no genuine

dispute as to any material fact and the movant is entitled to judgment as a matter of law.” Fed. R. Civ. P. 56(a), (c). “The moving party bears the initial burden to show the district court, by reference to materials on file, that there are no genuine issues of material fact that should be decided at trial.” *Clark v. Coats & Clark, Inc.*, 929 F.2d 604, 608 (11th Cir. 1991). “Only when that burden has been met does the burden shift to the non-moving party to demonstrate that there is indeed a material issue of fact that precludes summary judgment.” *Id.*

When the moving party has carried its burden, the party opposing summary judgment must do more than show that there is “metaphysical doubt” as to any material fact. *Matsushita Elec. Indus. Co. v. Zenith Radio Corp.*, 475 U.S. 574, 586 (1986). Indeed, Rule 56 “requires the nonmoving party to go beyond the pleadings and by her own affidavits, or by the depositions, answers to interrogatories, and admissions on file, designate *specific facts showing that there is a genuine issue for trial.*” *Celotex Corp. v. Catrett*, 477 U.S. 317, 324 (1986) (emphasis added) (cleaned up). “[C]onclusory allegations without specific supporting facts have no probative value.” *Myers v. Bowman*, 713 F.3d 1319, 1327 (11th Cir. 2013) (quoting *Evers v. Gen. Motors Corp.*, 770 F.2d 984, 986 (11th Cir. 1985)).

At summary judgment, this Court must view the evidence and draw inferences in the light most favorable to the nonmoving party. *See Chapman v. American Cyanamid Co.*, 861 F.2d 1515, 1518 (11th Cir. 1988) (“All reasonable inferences arising from the undisputed facts should be made in favor of the nonmovant.”). “However, an inference based on speculation and conjecture is not reasonable.” *Id.* “Speculation does not create a *genuine* issue of fact; instead, it creates a false issue, the demolition of which is a primary goal of summary judgment.” *Cordoba v. Dillard’s, Inc.*, 419 F.3d 1169, 1181 (11th Cir. 2005).

When ruling on a motion for summary judgment, courts may consider video surveillance footage in the record when there is no dispute as to the video's accuracy. *See Scott v. Harris*, 550 U.S. 372, 380–381 (2007); *Donnelly v. Wal-Mart Stores E., LP*, 844 F. App'x 164, 169 (11th Cir. 2021) (affirming district court's grant of summary judgment where a reasonable jury, even after reviewing video footage of incident at issue, could not find that defendant had actual or constructive notice of substance on floor). "Where the record taken as a whole could not lead a rational trier of fact to find for the non-moving party, there is no 'genuine issue for trial.'" *See Matsushita*, 475 U.S. at 587 (quoting *First Nat'l Bank of Ariz. v. Cities Servs. Co.*, 391 U.S. 253, 270 (1968)).

III. DISCUSSION

Maritime law governs Plaintiff's negligence claim because the alleged tort was committed aboard a ship sailing navigable waters. *Keefe v. Bahama Cruise Line, Inc.*, 867 F.2d 1318, 1320 (11th Cir. 1989). "To plead negligence, a plaintiff must allege that (1) the defendant had a duty to protect the plaintiff from a particular injury; (2) the defendant breached that duty; (3) the breach actually and proximately caused the plaintiff's injury; and (4) the plaintiff suffered actual harm." *Chaparro v. Carnival Corp.*, 693 F.3d 1333, 1336 (11th Cir. 2012).

[T]he benchmark against which a shipowner's behavior must be measured is ordinary reasonable care under the circumstances, a standard which requires, as a prerequisite to imposing liability, that *the carrier have had actual or constructive notice of the risk-creating condition*, at least where . . . the menace is one commonly encountered on land and not clearly linked to nautical adventure.

Keefe, 867 F.2d at 1322 (emphasis added).

However, "courts need not even reach the defendant's actual or constructive notice of a risk-creating condition if they determine that condition was an open and obvious danger. The duty to warn in the maritime tort context extends to only known dangers which are not apparent and obvious." *Smith v. Royal Caribbean Cruises, Ltd.*, 620 F. App'x 727, 730 (11th Cir. 2015) (citing

Cohen v. Carnival Corp., 945 F. Supp. 2d 1351, 1357 (S.D. Fla. 2013)). “Open and obvious conditions are those that should be obvious by the ordinary use of one’s senses.” *Lancaster v. Carnival Corp.*, 85 F. Supp. 3d 1341, 1344 (S.D. Fla. 2015). “Whether a danger is open and obvious is determined from an objective, not subjective, point of view.” *Lugo v. Carnival Corp.*, 154 F. Supp. 3d 1341, 1345–46 (S.D. Fla. 2015) (citing *Flaherty v. Royal Caribbean Cruises, Ltd.*, No. 15-22295, 2015 WL 8227674, at *3 (S.D. Fla. Dec. 7, 2015)).

A. Defendant Had No Duty to Warn of an Obvious Condition.

In the Complaint, Plaintiff asserts that Defendant is liable for negligence, in part, because of Defendant’s failure to warn Plaintiff with respect to dangers arising from the subject automatic glass door. (*See Compl.*). Defendant argues it is entitled to summary judgment because there is no duty to warn of an open and obvious danger. (*See Mot.* at 5–7). In response, Plaintiff argues that the condition was not open and obvious because she “believed that the door was opened.” (ECF No. 37 at 11). In reply, Defendant states that “Plaintiff’s subjective beliefs contained in her declaration are insufficient evidence to defeat summary judgment,” and Plaintiff should have been aware of the condition through the ordinary use of her senses. (ECF No. 41 at 3–4).

Here, Defendant did not breach its duty of reasonable care by failing to warn Plaintiff of a condition of which she, or a reasonable person in her position, would be aware. It is undisputed that Plaintiff saw the door prior to colliding with it. (Pl.’s Resp. to Interrogatories, ECF No. 31-1 ¶ 6). The fact that an automatic glass door may be closed or may not immediately open is discernible through common sense and the ordinary use of eyesight. These uncontroverted facts demonstrate that a reasonable person in Plaintiff’s position would have been aware of any risks posed by the subject door. *See Lugo*, 154 F. Supp. 3d at 1345. Although Plaintiff states that she was not aware that the door was closed, Plaintiff’s subjective beliefs are insufficient to defeat

summary judgment. *See id.* (quoting *Flaherty*, 2015 WL 8227674, at *3 (internal quotation and citation omitted)); *John Morrell & Co. v. Royal Caribbean Cruises, Ltd.*, 534 F. Supp. 2d 1345, 1351 (S.D. Fla. 2008) (“Individual subjective perceptions of the injured party are irrelevant in the determination of whether a duty to warn existed.”). Plaintiff fails to present any evidence beyond her subjective view to create a genuine issue of material fact as to whether the automatic glass door was an open and obvious danger. Therefore, Defendant is entitled to summary judgment in its favor with respect to Counts II and IV of the Complaint.

B. There is No Record Evidence That Defendant Had Actual or Constructive Notice of a Dangerous Condition.

Defendant argues it is entitled to summary judgment because there is no record evidence that it had actual or constructive notice of a dangerous condition. (Mot. at 7–9). In response, Plaintiff claims that Defendant “does not clearly explain how or why it would not have adequate notice for each of these causes of action.” (ECF No. 37 at 12). Plaintiff cites to cases she claims are substantially similar to the instant case to establish Defendant’s constructive notice. (*Id.* at 12–13). In reply, Defendant states that it does not have the burden of proving notice or lack thereof, and that Plaintiff presents no evidence of Defendant’s notice, and therefore, there is no genuine dispute of material fact. (ECF No. 41 at 4–5). Defendant also distinguishes the cases cited by Plaintiff and argues that they are not substantially similar. (*Id.*). For the reasons discussed below, even if the subject door was not an open and obvious condition—which it was—Plaintiff’s negligence claims would still fail because there is no record evidence of actual or constructive notice of a dangerous condition.

There are two ways constructive notice can be shown. First, if the defendant “ought to have known of the peril to its passengers” because the hazard was “present for a period of time so lengthy as to invite corrective measures.” *Keefe*, 867 F.2d at 1322. Second, “a party may establish

constructive notice with evidence of substantially similar incidents in which conditions substantially similar to the occurrence in question must have caused the prior accident.” *Kendall v. Carnival Corp.*, No. 1:23-cv-22921, 2023 WL 8593669, at *3 (S.D. Fla. Dec. 7, 2023).

Plaintiff fails to present any evidence that Defendant was on notice of a dangerous condition. Plaintiff fails to present evidence of prior similar incidents where a passenger was injured by an automatic glass door that did not open. There is no record evidence of any accident reports, passenger comment reviews, safety inspection reports, maintenance reports, or similar that would alert Defendant of any potential safety concern. There is no expert opinion on the design or mechanical function of the door. In sum, Plaintiff fails to present any evidence other than her subjective view, which is insufficient to survive summary judgment. This lack of record evidence establishes that there is no genuine issue of material fact as to Defendant’s notice.

Further, the cases cited by Plaintiff are not similar to the instant case and did not put Defendant on notice of a potential safety concern involving automatic glass doors. *See Royal Caribbean Cruises, Ltd. v. Spearman*, 320 So. 3d 276 (Fla. 3d DCA 2021) (alleging injury from semi-watertight door after a nurse improperly overrode bridge control during safety drill), *Schrader v. Royal Caribbean Cruise Line, Inc.*, 952 F.2d 1008 (8th Cir. 1991) (alleging an unsecured steel door on a different vessel swung open and startled the passenger causing injury); *Goncharenko v. Royal Caribbean Cruises, Ltd.*, 734 F. App’x 645 (11th Cir. 2018) (alleging a metal swinging door on top of an ice cream machine hit plaintiff’s head and caused injury). Two cases cited by Plaintiff involve different cruise lines. *Wilkinson v. Carnival Cruise Lines, Inc.*, 920 F.2d 1560 (11th Cir. 1991); *Galentine v. Holland America Line-Westours, Inc.*, 333 F. Supp. 2d 991 (W.D. Wash. 2004). Plaintiff also cites a string of cases to show that “Defendant has been had [*sic*] accidents on its vessels that occurred due to improper lighting or is (or should be)

generally aware of the hazards the can be caused due to inadequate lighting.” (ECF No. 37 at 13). Yet, the cases cited are not substantially similar, do not constitute record evidence, and many do not involve Defendant.

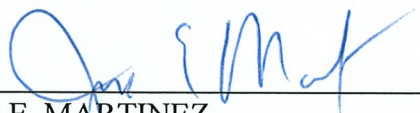
In the alternative, in the absence of negligence, Plaintiff argues that she is entitled to an inference of negligence. (ECF No. 37 at 13–14). However, “a plaintiff who relies on *res ipsa loquitur* to show a breach of duty still bears the burden of proving that a duty existed in the first place. And because notice is an integral part of duty, a passenger who relies on *res ipsa loquitur* bears the burden of showing that the cruise line had notice.” *Tesoriero v. Carnival Corp.*, 965 F.3d 1170, 1182–83 (11th Cir. 2020) (concluding the district court erred in holding *res ipsa loquitur* obviates the notice requirement).

Because Plaintiff does not present any evidence that Defendant was on notice, there is no genuine dispute of material fact, and summary judgment must be granted in favor of Defendant on all Counts.

Accordingly, it is **ORDERED AND ADJUDGED** that:

1. The Motion, (ECF No. 32), is **GRANTED**.
2. The Clerk is **DIRECTED** to **CLOSE** this case and **DENY** all pending motions as **MOOT**.
3. Final judgment shall enter via separate order.

DONE AND ORDERED in Chambers at Miami, Florida, this 16 day of January 2025.



JOSE E. MARTINEZ
UNITED STATES DISTRICT JUDGE

Copies provided to:
All Counsel of Record