

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	2:25-cv-04665-SVW-E	Date	January 22, 2026
Title	<i>Sylvia Gayed v. Royal Caribbean International</i>		

Present: The Honorable STEPHEN V. WILSON, U.S. DISTRICT JUDGE

Daniel Tamayo

N/A

Deputy Clerk

Court Reporter / Recorder

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

N/A

N/A

Proceedings: ORDER GRANTING DEFENDANT’S MOTION TO DISMISS FOR LACK OF PERSONAL JURISDICTION [9].

I. Introduction

Before the Court is a motion by Defendant Royal Caribbean Cruises Ltd. (“RCCL”) to dismiss the complaint filed by Plaintiff Sylvia Gayed. For the following reasons, the motion is GRANTED.

II. Background

Plaintiff Gayed filed a handwritten Complaint on May 22, 2025, alleging “sexual harassment and assault,” based on actions by an RCCL employee, which allegedly occurred on May 27, 2024, while Plaintiff was aboard a seven-day cruise to the Caribbean from Orlando, Florida. ECF No. 1 (“Compl.”). Defendant RCCL moved to dismiss Gayed’s complaint on September 3, 2025, for lack of subject matter jurisdiction, lack of personal jurisdiction, improper venue, and failure to state a claim upon which relief could be granted. Motion to Dismiss (Mot.), ECF No. 9. Gayed filed no opposition to RCCL’s motion.

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III. Discussion

Defendant RCCL has moved to dismiss under Federal Rules of Civil Procedure 12(b)(1), 12(b)(2), 12(b)(3), and 12(b)(6). The Court will address each ground for dismissal separately, beginning with the jurisdictional challenges.

A. Subject Matter Jurisdiction

A complaint must be dismissed under Federal Rule of Civil Procedure 12(b)(1) if it fails to allege facts sufficient to establish subject matter jurisdiction. *Savage v. Glendale Union High Sch.*, 343 F.3d 1036, 1039 n.2 (9th Cir. 2003). Once a party has moved to dismiss for lack of subject matter jurisdiction, the opposing party bears the burden of establishing the Court's jurisdiction. *See Kokkonen v. Guardian Life Ins. Co.*, 511 U.S. 375, 377 (1994). A Rule 12(b)(1) challenge to jurisdiction may be facial or factual. *Safe Air for Everyone v. Meyer*, 373 F.3d 1035, 1039 (9th Cir. 2004). In a facial attack, the challenger asserts that the allegations contained in a complaint are insufficient on their face to invoke federal jurisdiction, whereas in a factual challenge, the challenger disputes the truth of the allegations that, by themselves, would otherwise invoke jurisdiction. *Id.*

Subject-matter jurisdiction in the federal courts is defined by statute. Among other categories,¹ Congress has granted federal courts admiralty and maritime jurisdiction under 28 U.S.C. § 1333 (“The district courts shall have original jurisdiction, exclusive of the courts of the States, of... [a]ny civil case of admiralty or maritime jurisdiction”). To invoke admiralty jurisdiction over a tort claim,² two

¹ The Court has determined that a discussion of other statutory avenues for federal subject matter jurisdiction is unnecessary here. Notably, Plaintiff has not invoked a federal statute under which a private cause of action exists based on the facts alleged, as would be required for federal question jurisdiction under 28 U.S.C. § 1331. Nor has Plaintiff alleged any facts to support a finding that the parties are diverse as to state citizenship, as would be required for diversity jurisdiction under 28 U.S.C. § 1332.

² It may be noted that the pro se Plaintiff inexpertly named her cause of action as “sexual harassment and assault,” which is not an established tort. However, the facts alleged do describe an offensive touching, likely sufficient to plead a case for battery. The Court conducts its jurisdictional analysis assuming an amended pleading where battery is properly pled.

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requirements must be satisfied: (1) location and (2) a connection with maritime activity. *Tobar v. United States*, 639 F.3d 1191, 1197 (9th Cir.2011); *In re Mission Bay Jet Sports, LLC*, 570 F.3d 1124, 1126 (9th Cir.2009). First, “the tort must occur on or over navigable waters (‘locality requirement’).” *Tobar*, 639 F.3d at 1197 (internal quotation marks omitted).” Second, “the actions giving rise to the tort claim must bear a significant relationship to traditional maritime activity (‘nexus requirement’).” *Id.*

i. Locality Requirement

To determine whether a claim meets the locality requirement for the purpose of establishing admiralty jurisdiction, courts must determine whether the tort occurred on navigable water or whether injury suffered on land was caused by a vessel on navigable water. *Jerome B. Grubart, Inc. v. Great Lakes Dredge & Dock Co.*, 513 U.S. 527, 534, (1995). Here, every fact that constitutes the basis for Plaintiff’s claim for relief allegedly occurred on a cruise ship navigating the ocean between Florida and the Caribbean. The locality requirement is therefore satisfied.

ii. Nexus Requirement

Regarding the second factor, the nexus requirement has two prongs. *Tobar*, 639 F.3d at 1197. “First, a court ‘must assess the general features of the type of incident involved to determine whether the incident has a potentially disruptive impact on maritime commerce.’” *Id.* (citing *Grubart*, 513 U.S. at 534). “Second, a court must determine whether the general character of the activity giving rise to the incident shows a substantial relationship to traditional maritime activity.” *Id.* Here, the alleged misconduct has the potential to disrupt maritime commerce. *See Doe v. Celebrity Cruises, Inc.*, 394 F.3d 891 (11th Cir. 2004) (finding the nexus requirement satisfied when the case alleged a sexual battery of a cruise ship passenger by a crewmember because “if forms of sexual battery became a concern of passengers, cruise-ship business would necessarily suffer); *See also Russo v. APL Marine Servs., Ltd.*, 2014 WL 3506009 (C.D. Cal.) at * 3. The alleged misconduct also has a substantial relationship to traditional maritime activity because it took place on a vessel on navigable waters. *See Grubart*, 513 U.S. at 542 (“virtually every activity involving a vessel on navigable waters would be a traditional maritime activity sufficient to invoke maritime jurisdiction”) (internal quotation marks omitted); *see also Celebrity Cruises*, 394 F.3d 891

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(“Admiralty jurisdiction obviously exists where a crew member sexually batters a passenger while the two are onboard the ship”) (*citing Kermarec v. Compagnie Generale Transatlantique*, 358 U.S. 625, 628, (1959)). The nexus requirement is therefore satisfied.

B. Personal Jurisdiction

Under Federal Rule of Civil Procedure 12(b)(2), a defendant to move to dismiss for lack of personal jurisdiction over a defendant. Fed. R. Civ. P. 12(b)(2). A district court may exercise personal jurisdiction over defendants to the extent authorized by the law of the state in which it sits. Fed. R. Civ. P. 4(k)(1)(A); *Daimler AG v. Bauman*, 571 U.S. 117, 125 (2014). California's long-arm statute authorizes personal jurisdiction to the fullest extent permissible under the U.S. Constitution. *Id.*; Cal. Code. Civ. Pro. § 410.10. Thus, personal jurisdiction here is determined by the due process clause.

The due process clause limits the exercise of personal jurisdiction to situations where a defendant has “minimum contacts” with the forum state, such that maintaining the suit does not offend “traditional notions of fair play and substantial justice.” *International Shoe Co. v. Washington*, 326 U.S. 310, 316 (1945). Courts recognize two forms of personal jurisdiction: general and specific. General jurisdiction exists only where the defendant is “essentially at home” in the forum state, typically its place of incorporation and principal place of business. *Daimler AG*, 571 U.S. at 137–39. Specific jurisdiction requires that the defendant purposefully directed activities at the forum state and that the litigation arises out of or relates to those activities. *Burger King Corp. v. Rudzewicz*, 471 U.S. 462, 472–73 (1985). The Ninth Circuit has established a three-prong test for analyzing the issue of specific jurisdiction: (1) the non-resident defendant must “purposefully avail” itself of the forum, (2) the claim must “arise out of or relate[] to” the defendant’s forum-related activities, and (3) exercise of jurisdiction must be “reasonable.” *Schwarzenegger v. Fred Martin Motor Co.*, 374 F.3d 797, 802 (9th Cir. 2004). The plaintiff bears the burden of satisfying the first two prongs of the test. *Id.*

Here, Plaintiff has not alleged that RCCL is a resident of California. *See* Compl. Nor has Plaintiff alleged any facts that would indicate RCCL is “essentially at home” in California, such as that RCCL is

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incorporated or headquartered therein. Meanwhile, in argument, RCCL alleges that it is not “at home” in California. Mot. at 5 (“RCCL is incorporated in Liberia and maintains its principal place of business in Florida”). Plaintiff alleges that she boarded the cruise ship at Port Canaveral in Orlando, Florida. Compl. at 1. Plaintiff has not alleged any actions taken by RCCL that would indicate a purposeful availment of the California forum related to the instant lawsuit.

Therefore, Plaintiff has failed to meet her burden of establishing either specific or general personal jurisdiction over RCCL is proper in this Court. Accordingly, the case must be dismissed for lack of personal jurisdiction.

C. Remaining Grounds for Dismissal and the Forum Selection Clause

The Court has already determined that jurisdiction over Defendant is improper. Therefore, the Court should not continue its analysis or address the merits of the case. However, the Court finds it appropriate to offer limited guidance to the *pro se* Plaintiff in the interest of judicial efficiency. First, the facts alleged sound in the tort of battery for offensive touching. Pleading as such will likely avoid future dismissal if the case is re-pleaded. Furthermore, the ticket contract, signed by Plaintiff, contains a forum-selection clause requiring litigation occur exclusively in the United States District Court for the Southern District of Florida, Miami-Dade County. Thomas Declaration, ECF No. 9-2 Ex. B at 10. Therefore, even if Plaintiff is able to re-plead and establish the necessary jurisdictional facts, if the Court finds the forum-selection clause enforceable, the Court will likely transfer the case to that district on a motion by Defendant, pursuant to 28 U.S.C. § 1404(a). *See Atl. Marine Const. Co. v. U.S. Dist. Ct. for W. Dist. of Texas*, 571 U.S. 49, 62 (2013) (“When the parties have agreed to a valid forum-selection clause, a district court should ordinarily transfer the case to the forum specified in that clause. Only under extraordinary circumstances unrelated to the convenience of the parties should a § 1404(a) motion be denied”). Therefore, for expeditious resolution of the case, Plaintiff would be best served to re-file any amended complaint in the Southern District of Florida.

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IV. Conclusion

For the foregoing reasons, Defendant’s motion to dismiss for lack of personal jurisdiction is GRANTED. IF Plaintiff seeks to amend the complaint to plead the requisite jurisdictional facts, Plaintiff must REQUEST leave to amend WITHIN 30 DAYS. If Plaintiff fails to so request, the Court will assume Plaintiff intends to re-file in the Southern District of Florida. Accordingly, the Court will close the case.

IT IS SO ORDERED.

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