

**STATUTES OF LIMITATIONS AND VENUE;
WHEN AND WHERE YOU HAVE TO FILE A CLAIM FOR PERSONAL
INJURIES, TRIP AND FALL, SLIP AND FALL, OR SEXUAL ASSAULT OR
RAPE AGAINST A CRUISE LINE**

AND

THE 5 THINGS YOU SHOULD KNOW

It's happened again. I got a call this last week from a young lawyer who blew the statute of limitations in a case against the cruise line. (I am a maritime lawyer located in Miami, Florida and have 28 years experience with claims against the cruise lines. For the first 17 years of my career, I represented the cruise lines; for the last 11 years, I have represented the injured passenger against the cruise lines).

Anyway, this lawyer's client had a slip and fall accident on a cruise ship and was injured. The lawyer who called me was located in Miami but was **not experienced in cruise ship claims**. He did not know about the one year time limit. He dealt with the adjuster for the cruise line himself. The adjuster kept writing the lawyer saying that the lawyer needs to send more documentation of the claim. Then time passed and it was more than one year after the accident. Then the adjuster said the cruise line did not have to pay anything because the deadline had passed. That is called "Gotcha". Now the cruise line can refuse to pay anything at all. And that is just what they do.

I get calls like this from lawyers (and from the passengers directly) all across the country. (I am a Board Certified as a Civil Trial Lawyer by The Florida Bar and by the National Board of Trial Advocacy. I lecture on maritime law and on personal injury claims around the country and get a lot of calls from attorneys in other states). I want to help them and their clients but most of the time I cannot if they have gone over the one year time limit.

Here are the **5 things you should know** about any claim against the cruise line for personal injury, slip and fall, trip and fall, or sexual assault or rape:

1. **When you are injured on a cruise ship, maritime law applies.** Maritime law is a specialized area of the law. Maritime law applies to personal injuries on any vessel (like a cruise ship or gambling boat or tanker or freighter) on a navigable waterway (like the Atlantic Ocean, the Inter-coastal Waterway, any river, or the Caribbean Sea). It applies to Jones Act seaman, that is the people who work on ships, and it applies to passengers on cruise ships.

2. **Most lawyers around the country do not know maritime law and have little if any experience with it.** Maritime law is something most lawyers around the country do not do and do not know. Most lawyers just do not know the law in this area. They operate assuming the law is just like the law in New York or Illinois or California or Florida, or

any other state. It is not. That can be fatal to your claim if a mistake like the one above is made. That passenger will get nothing from the cruise line.

In fact, **most maritime lawyers do not handle claims of passenger against the cruise lines.** Passenger claims is also a specialty within the maritime law. The law for claims of passengers against the cruise lines is different than the law for claims of the ship's employees against the cruise lines. In both situations, maritime law applies. But there is a different set of laws which apply to claims brought by the employees (seaman) than for claims brought by the passengers.

Many maritime lawyers around the country know about claims by the ship's employees (called "seaman" even if the employee is a deck hand or an engine room cleaner or a waiter onboard the ship for example) but know little or nothing about passenger claims. Not knowing the cruise lines and not being a lawyer who represents passengers against cruise lines can also result in you recovering a lot less in your claim. Why? Because if your lawyer does not know what he or she is doing, if your lawyer is not a maritime lawyer who takes these cases to trial here in Miami, Florida, the cruise lines will know this. They will take advantage of this. You may receive nothing as in the case above or you may receive only a fraction of your claim as the cruise lines will know who the experienced lawyers are.

3. YOU PRESERVE YOUR CLAIM ONLY BY FILING SUIT IN THE RIGHT CITY AND STATE. Filling out an accident report and writing letters to the cruise line do not preserve your claim. Writing a letter to the cruise line does let them know about you and your claim. It does not preserve your claim. If you filled out an accident report on the day of the accident on the ship, and if you wrote a million letters to the cruise lines, but you do not file suit within one year, **YOU HAVE NO CLAIM AND THE CRUISE LINES WILL PAY YOU NOTHING.** This is not to say that you cannot get a settlement in the right case before filing suit. Sometimes you can. But you need to right lawyer in the right city and state to do this.

4. THE CRUISE LINES REQUIRE THAT YOU FILE SUIT AGAINST THEM IN A CERTAIN CITY AND STATE SPECIFIED IN YOUR TICKET. This is called in the law a "venue selection clause". Buried in the fine print of your Passenger Contract Ticket, back many pages, there is a paragraph about where you have to sue them. It is usually toward the end of the ticket. **No matter where you are from, no matter where you bought the ticket, no matter where you got on the ship, this rule applies.**

- ✓ **In all cases against Carnival Cruise Lines, you must file suit in Miami, Florida.**
- ✓ **In all cases against Royal Caribbean Cruise Lines, you must file suit in Miami, Florida.**
- ✓ **In all cases against Norwegian Cruise Lines, you must file suit in Miami, Florida.**

Other cruise lines specify other cities and states.

5. The right lawyer for your claim against a cruise line is a lawyer who is experienced at bringing claims against the cruise lines, who is located in the city and state where you have to file against the cruise lines, and who is a Board Certified Civil Trial Lawyer. If you have been injured on Carnival Cruise Lines, Royal Caribbean Cruise Lines, or Norwegian Cruise Lines, you need a maritime lawyer with experience in passenger claims against the cruise lines and who is located in Miami, Florida. This includes all cases of personal injuries, slip and fall, trip and fall, and sexual assault and rape. **Look for the one with experience (with maritime passenger claims against the cruise lines), location (in Miami, Florida), and Board Certification (as a Civil Trial Lawyer).**

Hickey Law Firm, P.A. is located in the heart of Miami, Florida. They represent cruise passengers from all over the United States and from around the world. Their clients live in New York, New Jersey, New Hampshire, Pennsylvania, Illinois, California, Ohio, Minnesota, Florida, Texas, North Carolina, South Carolina, Georgia, and Alabama just to name a few.

John H. (Jack) Hickey was born and raised here in Miami. He represented the cruise lines for 17 years. Now he is on the other side. Hickey is a Past President of the Dade County (Miami) Bar Association and is Board Certified as a Civil Trial Lawyer by The Florida Bar and by the National Board of Trial Advocacy.

No matter where you live, no matter where you got on the ship, CALL TODAY FOR A FREE CONSULTATION: 1.800.215.7117