

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION

CASE NO.

Jane Doe,

Plaintiff,

v.

SeaDream Yacht Club Limited,  
Rui Manuel Duarte Guerreiro

Defendants.  
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**COMPLAINT AND DEMAND FOR JURY TRIAL**

Plaintiff sues Defendants and alleges:

1. Plaintiff is a resident of the state of North Carolina and Defendant SeaDream Yacht Club is a corporation incorporated under the laws of the Bahamas, having its principal place of business in Miami.
2. This matter arises out a brutal rape and/or sexual assault by one of SeaDream Yacht Club's bartenders on one its passengers. Herein, Plaintiff seeks all damages available by law, including punitive damages, in an amount of \$25,000,000.00
3. The matter in controversy exceeds, exclusive of interest and costs, the sum specified by 28 U.S.C. §1332. In the event diversity jurisdiction does not apply, then this matter is brought under the admiralty and maritime jurisdiction of this Court.
4. Defendant, at all times material hereto, personally or through an agent:
  - a. Operated, conducted, engaged in or carried on a business venture in this state and/or country or had an office or agency in this state and/or county;

- b. Was engaged in substantial activity within this state;
  - c. Operated vessels in the waters of this state;
  - d. Committed one or more of the acts stated in Florida Statutes, §§ 48.081, 48.181 or 48.193;
  - e. The acts of Defendant set out in this Complaint occurred in whole or in part in this county and/or state;
  - f. The Defendant, as a common carrier, was engaged in the business of providing to the public and to the Plaintiff in particular, for compensation, vacation cruises aboard the vessel, Seadream I.
5. Defendant Rui Manuel Duarte Guerreiro is a Portugese citizen who was a bartender working aboard the Defendant's vessel.
6. Defendants are subject to the jurisdiction of the Courts of this state.
7. The causes of action asserted in this Complaint arise under the General Maritime Law of the United States.
8. At all times material hereto, Defendant owned, operated, managed, maintained and/or controlled the vessel, Seadream I.
9. On or about June 24, 2015, Jane Doe was a paying passenger on Defendant's vessel, which was in navigable waters.
10. On said date, Jane Doe was brutally raped and/or sexually assaulted by the Seadream Bartender Guerreiro. The defendant held the Plaintiff against her will behind a bar on the subject vessel and closed all nearby windows. He thereafter proceeded to forcibly rape the plaintiff/victim vaginally, orally and anally. The

rape continued for an extended period of time while the Plaintiff begged the Defendant to stop and repeatedly asked ‘Why are you doing this?’

11. Plaintiff Jane Doe was a frequent, repeat cruiser on SeaDream Yacht Club voyages. Plaintiff believed that when she was on the ship, she was in a “safe place.” Tragically, Jane Doe was mistaken.

**COUNT I  
VICARIOUS LIABILITY FOR RAPE / SEXUAL ASSAULT  
AGAINST DEFENDANT**

The Plaintiff realleges, adopts, and incorporates by reference the allegations in paragraphs one (1) through eleven (11) as though alleged originally herein.

12. At all times material hereto, the individual who sexually assaulted and/or raped Jane Doe was a member of the crew aboard the Seadream I.
13. At all times material hereto, the individual who sexually assaulted and/or raped Jane Doe was hired, retained and/or employed by Defendant.
14. At all times material hereto, Defendant is vicariously liable for the tortious actions of its crewmembers/employees, including the individual who sexually assaulted and/or raped Jane Doe.
15. As a direct and proximate result of the tortious actions of the individual who sexually assaulted and/or raped Jane Doe, for which Defendants are vicariously liable as set forth above, the Plaintiff was injured about her body and extremities, suffered physical pain and suffering, mental anguish, loss of enjoyment of life, physical disability, impairment, inconvenience in the normal pursuits and pleasures of life, feelings of economic insecurity caused by disability, disfigurement,

aggravation of any previously existing conditions therefrom, incurred medical expenses in the care and treatment of her injuries including psychiatric care, suffered physical handicap, lost wages, income lost in the past, and her working ability and earning capacity has been impaired. The injuries and damages are permanent or continuing in nature, and the Plaintiff will suffer the losses and impairments in the future.

**WHEREFORE**, the Plaintiff demands judgment for all damages recoverable under the law, *including punitive damages*, against Defendants and demands jury trial of all issues so triable.

**COUNT II  
NEGLIGENCE AGAINST DEFENDANTS**

The Plaintiff realleges, adopts, and incorporates by reference the allegations in paragraphs one (1) through eleven (11) as though alleged originally herein.

16. At all times material hereto, it was the duty of Defendant to provide the Plaintiff with reasonable care under the circumstances while she was a passenger aboard the subject cruise.

17. On or about June 24, 2015, Defendant breached its duty to the Plaintiff through the following acts and/or omissions:

- a. Failing to provide reasonably safe conditions for the Plaintiff aboard the subject cruise vessel; said safe conditions include, but are not limited to, the prevention of permitting an atmosphere to exist wherein crewmembers could sexually assault and/or rape passengers; and/or

- b. Failing to promulgate and/or enforce adequate policies and procedures designed to prevent crewmembers from targeting passengers generally and minors specifically; and/or
- c. Failing to promulgate and/or enforce adequate policies and procedures designed to prevent sexual assaults and/or rapes by crewmembers on passengers; and/or
- d. Failing to protect passengers specifically from getting targeted by crewmembers aboard the subject cruise; and/or
- e. Failing to protect passengers from sexual assaults and/or rapes aboard the subject cruise; and/or
- f. Failing to have adequate security aboard the subject cruise; and/or
- g. Failing to adequately supervise and/or monitor crewmembers aboard the subject cruise; and/or
- h. Failing to adequately monitor passengers aboard the subject cruise; and/or
- i. Failing to adequately monitor public areas aboard the subject vessel; and/or
- j. Failing to adequately train crewmembers aboard the subject cruise with regard to fraternizing with passengers; and/or
- k. Failing to adequately train crewmembers aboard the subject cruise with regard to sexual assaults and/or rapes; and/or
- l. Failing to perform adequate background check(s) on the individual who sexually assaulted and/or raped the Plaintiff.

18. All or some of the above acts and/or omissions by Defendants and/or their agents, servants, and/or employees, caused and/or contributed to the Plaintiff being

sexually assaulted and/or raped and/or suffering severe emotional distress following the sexual assault and/or rape.

19. At all times material hereto, Defendants knew of the foregoing conditions causing the Plaintiff's incident and did not correct them, or the conditions existed for a sufficient length of time so that Defendants, in the exercise of reasonable care under the circumstances, should have learned of them and corrected them. Insofar as it relates to conditions that the Defendants did not create, this knowledge was or should have been acquired through (a) Defendants' monitoring passengers; (b) Defendants' supervision over crewmembers, including, but not limited to, the alleged assailant; and/or (c) prior incidents of sexual assault occurring aboard Defendants' vessels; and/or (d) prior instances of sexual assault occurring aboard cruise ships and reported within the industry.
20. As a direct and proximate result of the negligence of Defendant, the Plaintiff was injured about her body and extremities, suffered physical pain and suffering, mental anguish, loss of enjoyment of life, physical disability, impairment, inconvenience in the normal pursuits and pleasures of life, feelings of economic insecurity caused by disability, disfigurement, aggravation of any previously existing conditions therefrom, incurred medical expenses in the care and treatment of her injuries including psychiatric care, suffered physical handicap, lost wages, income lost in the past, and her working ability and earning capacity has been impaired. The injuries and damages are permanent or continuing in nature, and the Plaintiff will suffer the losses and impairments in the future.

**WHEREFORE**, the Plaintiff demands judgment for all damages recoverable, *including punitive damages*, under the law against Defendant and demands jury trial of all issues so triable.

**COUNT III  
NEGLIGENCE AGAINST DEFENDANT GUERREIRO**

Plaintiff realleges, adopts, and incorporates by reference the allegations in paragraphs one (1) through eleven (11) as though alleged originally herein.

21. It was the duty of Defendant Guerreiro to act with reasonable care as it pertained to the Plaintiff.
22. On or about June 24, 2015, Defendant Guerreiro, breached his duty to act with reasonable care as it pertained to the Plaintiff.
23. On or about the above date, Plaintiff was injured due to the fault and negligence of Defendant Guerreiro, as follows:
  - a. Raping the Plaintiff; and/or
  - b. Sexually assaulting the Plaintiff; and/or
  - c. Assaulting and/or battering the Plaintiff
24. As a direct and proximate result of the negligence of Defendant Guerreiro, the Plaintiff was raped and/or sexually assaulted.
25. As a result of the negligence of Defendant Guerreiro, the Plaintiff was injured about her body and extremities, suffered physical pain and suffering, mental anguish, loss of enjoyment of life, physical disability, impairment, inconvenience in the normal pursuits and pleasures of life, feelings of economic insecurity caused

by disability, disfigurement, aggravation of any previously existing conditions therefrom, incurred medical expenses in the care and treatment of her injuries including psychiatric care, suffered physical handicap, lost wages, income lost in the past, and her working ability and earning capacity has been impaired. The injuries and damages are permanent or continuing in nature, and the Plaintiff will suffer the losses and impairments in the future.

**WHEREFORE**, the Plaintiff demands judgment for all damages recoverable, *including punitive damages*, under the law against Defendant and demands jury trial of all issues so triable.

**COUNT IV  
INTENTIONAL TORT OF RAPE AND/OR SEXUAL ASSAULT  
AGAINST DEFENDANT GUERREIRO**

Plaintiff realleges, adopts, and incorporates by reference the allegations in paragraphs one (1) through eleven (11) as though alleged originally herein.

26. On or about June 24, 2015, the Plaintiff was brutally raped and/or sexually assaulted and battered by Defendant Guerreiro.
27. As a direct and proximate result of the intentional tort by Defendant Guerreiro, the Plaintiff was raped and/or sexually assaulted.
28. As a result of the intentional tort by Defendant Guerreiro, the Plaintiff was injured about her body and extremities, suffered physical pain and suffering, mental anguish, loss of enjoyment of life, physical disability, impairment, inconvenience in the normal pursuits and pleasures of life, feelings of economic insecurity caused by disability, disfigurement, aggravation of any previously existing conditions

therefrom, incurred medical expenses in the care and treatment of her injuries including psychiatric care, suffered physical handicap, lost wages, income lost in the past, and her working ability and earning capacity has been impaired. The injuries and damages are permanent or continuing in nature, and the Plaintiff will suffer the losses and impairments in the future.

**WHEREFORE**, the Plaintiff demands judgment for all damages recoverable, *including punitive damages*, under the law against Defendant and demands jury trial of all issues so triable.

**DATED February 23, 2017**

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