

Attorney attains \$2.14 million for injured cruise-line steward

Case: Virginia Walton v. Royal Caribbean Cruises

Case no:

08-10850-CA-27

Description: Negligence

Filing date: Feb. 28, 2008

Trial dates: Oct. 6-18, 2010

Jury award: \$2.14 million

Judge: Miami-Dade Circuit Judge Maxine Cohen Lando

Plaintiff attorney: Brett Rivkind, Rivkind Pedraza & Margulies, Miami

Defense attorneys: Curtis Mase and Thomas Briggs, Mase Lara Eversole, Miami



J. ALBERT DIAZ

Brett Rivkind of Miami's Rivkind Pedraza & Margulies won his client's case against Royal Caribbean.

Details: It was the end of a routine voyage aboard Royal Caribbean's Rhapsody of the Seas in

May 2005 when cabin steward Virginia Walton had an accident that would change her life. She was reaching up for a heavy suitcase stacked high on top of others. When the luggage came swinging down, the bag struck the Nicaraguan crew member's right knee, causing a jolt of pain.

Plaintiff case: Walton didn't report the incident to the ship's doctor for six months. When she did, the doctor sent her to a company-paid orthopedic specialist on the Mexican island of Cozumel, who told her the cartilage in her knee was starting to wear away. In response, the doctor gave her pain medications and authorized her to return to work. She said she ignored her knee pain as best she could while working half-day shifts seven days a week.

She was aboard Royal Caribbean's Freedom of the Seas during its maiden voyage in June 2006 when the pain became unbearable. She went to another company doctor, this time in her home country's capital of Managua, where she received several examinations and began physical therapy. In 2007, Dr. Luis Gutierrez Ouant performed sur-

Walton also accused the Managua doctor of incorrectly performing the surgeries, making her injury worse.

To her advantage, the doctor had videotaped the first procedure. Rivkind used South Miami orthopedic surgeon Jorge Cabrera as an expert witness to analyze the other doctor's performance, which Cabrera deemed terrible.

He testified before jurors that Walton was not even a candidate for knee replacement surgery. He also said the Nicaraguan doctor performed worse than a novice. His sloppi-

ness with a tool burned and damaged healthy cartilage.

Defense case: Aventura orthopedic surgeon Dr. Jerry Sher testified as an expert witness for the cruise line that the video showed the Nicaraguan doctor operated properly.

Royal Caribbean attorney Curtis Mase maintained the damage done to Walton's knee was from osteoarthritis, not her on-the-job injury. The company stated her duties — those performed by hundreds of other crew members daily — are not as strenuous as her attorneys claimed.

The cruise line also questioned whether Walton truthfully reported how she hurt her knee. She had signed a statement saying the damage had occurred years earlier, not months. The company noted the initial incident was not reported promptly and maintained it provided Walton with care every step of the way.

Outcome: The jury awarded \$2.93 million, deciding the cruise line was 73 percent responsible and attributing the rest to Walton, leaving her with a \$2.14 million award.