

blames property damage on "the improper design and/or construction" of the condo complex.

ous defects and deficiencies in various systems and components of the condominium property," attorney Marc Smiley,

The 18-count lawsuit lists breach of statutory and common law implied
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Passenger Sues Royal Caribbean Over Bungee Trampoline Nightmare

by Raychel Lean

Miami maritime injury lawyer Brett A. Rivkind has filed a federal lawsuit against Royal Caribbean Cruises Ltd. on behalf of a man whose harness failed when he took part in an onboard bungee trampoline activity that sent him plummeting onto the deck floor.

The 20-foot drop could have killed then-Florida resident Casey Holladay, 25, who suffered serious, permanent injuries and had plates and screws inserted around his pelvis, according to the complaint.

On Feb. 9, Holladay took part in Sky Pad, a bungee trampoline experience onboard Royal Caribbean's Mariner of the Seas, according to the complaint.

"It's designed to let people get the feel of being suspended way up in the air, and being able to do acrobatics, like flips and things that maybe you see in Cirque du Soleil, though not as sophisticated," Rivkind said.

The harness has a hydraulic system that helps hoist people up in the air, where



J. ALBERT DIAZ

Miami maritime lawyer Brett Rivkind claims that because Royal Caribbean Cruises placed its bungee trampoline on the ship's hard deck, his client's 20-foot fall was far worse than it would have been with safety nets and a padded landing.

they'll stay long enough to do tricks, according to Rivkin. But while Holladay was mid-air, his harness lines broke.

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Court Tosses Medicare Claim, Gives Tutorial

by Katheryn Tucker

In throwing out a Florida Medicare Secondary Payer Act claim, the U.S. Court of Appeals for the Eleventh Circuit offered a tutorial on the federal health care plan for seniors.

Judge Amul Thapar from the Sixth Circuit, substituting, wrote the opinion with this promising start, borrowing a phrase from The Federalist No. 62.

"The Medicare statute is almost 'so incoherent [it] cannot be understood,'" Thapar said. "Luckily though, we need not venture very far into its tangled web here. The Medicare provision at issue in this case is clear and clearly bars the plaintiff's claim. Accordingly, we affirm."

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CRUISE

Rivkind argues the ship's trampoline operators and organizers were negligent as they should have known that sending passengers to significant heights without any padding or safety nets poses a serious safety risk.

"Not to take into consideration that if they do fall it's going to be onto a hard surface like this is crazy, in my opinion," Rivkind said.

It's not yet clear how much Holladay's punitive and compensatory damages, interest and costs will amount to, but Rivkin said he'd floated a \$10 million settlement offer before filing the lawsuit.

Royal Caribbean spokesperson Owen Torres said the company will fight the case, but would not comment further.

"We are filing a notice of appeal and then the matter will have to be briefed and litigated by both sides and then argued before an appeals court. The entire process will likely take over a year," Torres said.

The lawsuit also claims the ship's security staff were more concerned about stopping onlookers from taping the incident than they were about the plaintiff's well-being.

"That is captured on some videotape. All you see is the security officer focusing on stopping people from videotaping, and thank god they did videotape because we were able to preserve im-

portant evidence," Rivkind said. "Casey needed immediate attention and all the focus should have been on him."

Holladay was taken to the ship's medical facility while it returned to Miami, where he underwent surgery at the Ryder Trauma Center at Jackson Memorial Hospital. Before the fall, he'd been working on a startup business, but Rivkind said his life completely changed.

Rivkind has focused on cruise ship litigation since 1983 and said safety issues have become a major concern for him as cruise companies expand and introduce ambitious onboard activities like the bungee trampoline experience. He said the industry needs to take a closer look to determine

whether cruise companies can safely operate certain onboard activities while on the high seas and exposed to multiple elements.

"I've had many rock climbing incidents, zip lining, crazy water slides on the top of the cruise ships. Now they're putting car racing on the top of the ship, and they've got ice skating rinks," Rivkind said. "There is pressure to sell these tickets as the ships get bigger and bigger, and they have to sell thousands of tickets. I think safety is a big concern and maybe needs some better regulation and watchdogs."

Raychel Lean reports on South Florida litigation for the Daily Business Review. Send an email to rlean@alm.com, or follow her on Twitter via [@raychellean](https://twitter.com/raychellean).