

International Cruise Victims



International Cruise Victims (ICV) is an international organization with members throughout the world, currently represented by over 20 countries. Under the ICV International News Section, many stories will be found in the original language. Google can be used to translate many of these articles into English or whatever you use.

International Cruise Victims (ICV) Applauds Court Ruling Which Reinstates Negligence Suit against Cruise Line

ICV applauds a quantum leap forward in advancing the rights of cruise ship passengers as a result of a ruling by the U.S. 11th Circuit Court of Appeals which has modernized outdated federal maritime law by recognizing the right of passengers who become victims of medical malpractice to hold the cruise lines vicariously liable for the negligence of shipboard doctors and nurses.

An [L.A. Times on November 14th](#), article cited a case involving a man who died after a head injury on a cruise ship, and the subsequent [U.S. Court issued ruling](#) which, at long last, eliminates the cruise industry's broad immunity from medical negligence lawsuits. Jamie Barnett, President of ICV, who lost her daughter, Ashley Barnett, because of a lack of prompt and adequate medical care, applauds this long awaited "game-changer" for the cruise industry giants. The world-wide traveling public deserves accountability and justice which the new opinion promises.

On November 10, 2014 the U.S. 11th Circuit Court issued a long awaited opinion which essentially states that maritime liability is fact specific based on the circumstances of each case and not inflexibly biased against plaintiffs to protect the ship owners. Citing the realities of modern cruising the court said these floating cities operating medical facilities onboard for profit from passengers who have no alternative care available have the right to hold the cruise lines vicariously liable for the negligence of their doctors and nurses should they become victims of medical



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malpractice.

The case known as *Franza v. Royal Caribbean* was previously dismissed in trial court under the 1988 “Barbetta Rule” which was fashioned at a time when ships had sparse, if any medical facilities and often no doctor or nurse. Given today’s modern ship technology, and the cruise lines boasting about their onboard medical care, equipment and staff, the court finds that it is, ”disingenuous for large cruise lines to disclaim any medical expertise when they routinely provide access to extensive medical care in the infirmaries they have constructed for this very purpose,” making this decision a landmark one because cruise lines will no longer be able to use excellent medical care as a draw and then claim “immunity” when the doctors, crew members or nurses are negligent.

ICV continues to support safety, security, and protection for all passengers and crew.

The International Cruise Victims Association, Inc.

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