

FIVE THINGS YOU NEED  
TO KNOW TO  
**WIN YOUR  
CRUISE SHIP  
LAWSUIT**

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ARONFELD  
TRIAL LAWYERS



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“Great team of lawyers!  
They really made us feel  
like they cared about us  
throughout the process. I  
highly recommend  
Aronfeld Trial lawyers.  
- Russell B.”



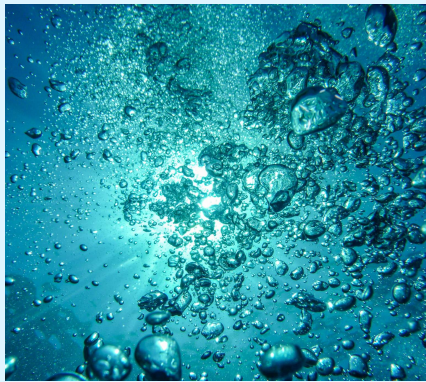
## GET TO KNOW SPENCER ARONFELD

A Board Certified Trial Lawyer with over 30 years experience representing injured people and their families in accident cases against cruise lines. He has earned international recognition as being a lawyer for the people.



## INTRO TO CRUISE SHIP LITIGATION

Learn how and where to initiate a claim for damages against a cruise line.



## GETTING IN DEEPER

Be prepared for the next steps in the cruise ship litigation process.



## MEDIATION

Discover the pros and cons of settling out of court.



## TRIAL

Know what to expect should your case go to trial.



# GET TO KNOW SPENCER ARONFELD

## ➔ TRUST



An attorney has certain fiduciary responsibilities to the client such as confidentiality and complete honesty. That honesty extends to all of our communications as

well as communications to the court and opposing counsel. It is imperative that we get off to the right start and discuss your case thoroughly and truthfully from the very first consultation.

## ➔ RAPPORT



Over time we will continue to build a rapport. I believe in treating clients with respect. Respect for your time, the ordeal you have suffered, and

respect for the pain and suffering, both physical and mental. I ask in return that you respect my time, my staff and the process which may take more time, attention and effort than you may expect or realize.

## ➔ COMPETENCE



I have three decades of experience as a personal injury attorney. I am a Board Certified Trial Attorney with extensive courtroom experience.

I am familiar with all the major cruise lines and how each one operates. You can be sure that I have the knowledge and expertise required to go up against these big international companies and their legal teams.



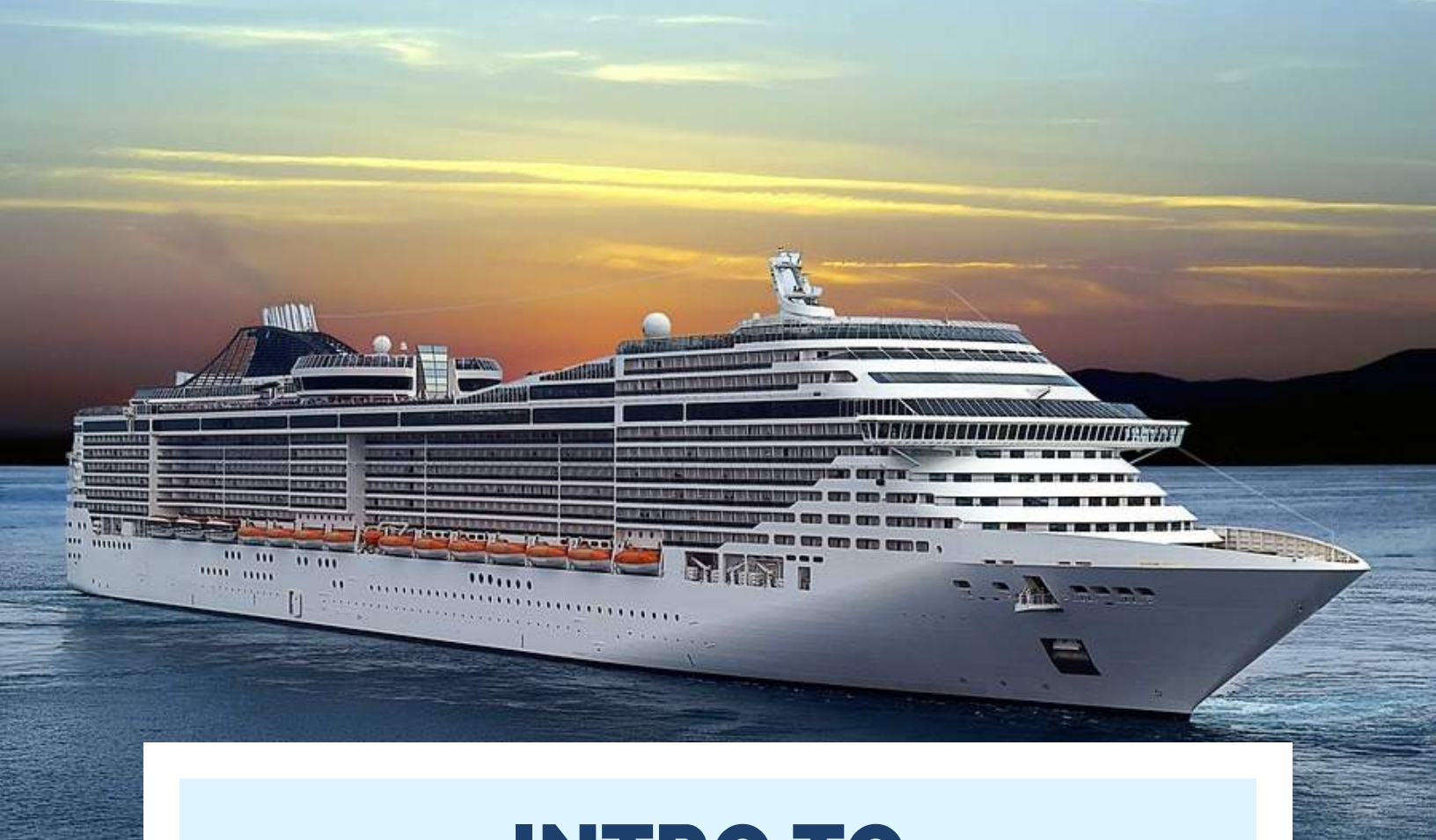
# THE ATTORNEY-CLIENT RELATIONSHIP

For more than 30 years, my team and I have helped injured passengers from Shanghai to San Diego recover damages for medical expenses, lost wages and pain and suffering due to injuries sustained aboard cruise lines like Carnival, Royal Caribbean, Norwegian and Disney.

The cruise ship litigation process begins by building mutual trust between you as the client and me as your attorney. For me to help you win your case, we need to believe, like and understand one another. During our first meeting, which may occur online for non-Florida residents, I will attempt to gather all the pertinent facts about your situation, assess your medical condition, and answer any questions you may present.

Throughout the course of litigation, I will continue to interact with you periodically to monitor your recovery. The trust-building nature of our relationship is important. I speak fluent Italian, Spanish and English and enough Arabic and French to get me into trouble. I arrange for interpreters to assist us in our communication process so that I fully understand your questions, and I know that you fully understand my answers.

It is imperative in all of our conversations that you tell me the complete truth. In several decades trying personal injury cases, I have found the single most valuable weapon in my arsenal is a truthful client. For example, if you were drinking alcohol prior to the fall that caused your injury, do not attempt to minimize or deny the amount of your alcohol intake. In my experience, juries will reward you for your candor and honesty rather than punish you for partying on your vacation.



# **INTRO TO CRUISE SHIP LITIGATION**

## **V E N U E**

Most people who are hurt while onboard a cruise do not realize that buried deep in extremely fine print on their cruise line ticket is language that requires them to file any potential claims against the cruise line within one year of the date of the incident.

Along with the time constraint is also the requirement that the claim be filed in federal court in Miami, Florida. The reason behind this has a lot to do with the legal infrastructure available to the cruise lines in Miami. Carnival, Royal Caribbean and Norwegian all maintain their international headquarters here.

In their offices, they have teams of experienced cruise accident attorneys, paralegals, claims adjusters and experts who defend the companies against claims made by passengers.





## FILING THE CLAIM

The litigation process starts when we draft and file a document known as a complaint with the federal court. The cruise line has 30 days in which to file an answer. These documents let the court know that a lawsuit is officially in the works.

The next stage can be lengthy and costly as it dives into discovering what evidence the cruise line possesses as well as turning over our evidence. Evidence can include medical records, statements, videos, photos and the like.

## DEPOSITION

Once the cruise line's legal staff receives the formal complaint, they will require the injured person, now the "plaintiff", to travel to Miami for a deposition.

A plaintiff's deposition is an interrogation that occurs under oath in front of a court reporter where the cruise line's attorneys will ask numerous questions pertaining to the incident and what led up to it. During a deposition, you give sworn testimony under oath as part of the discovery process. The deposition testimony may be admissible in court.

The better you perform in the deposition, the more valuable your case. A poor deposition performance by a plaintiff can lead to summary judgment, a defense verdict, or even worse, sanctions and a dismissal of the case.







The entire team at Aronfeld will spend a significant amount of time preparing you for this stage of the case as it can and often does make or break a personal injury case. From the moment the incident occurs, everything in your life becomes potential evidence that can be used to show how, why and where the incident occurred, as well as the extent of the injury.

This means that everything you said to the crew, the medical staff onboard, other witnesses, and your family and medical providers back home becomes potential evidence in the case and may be asked about during the deposition.

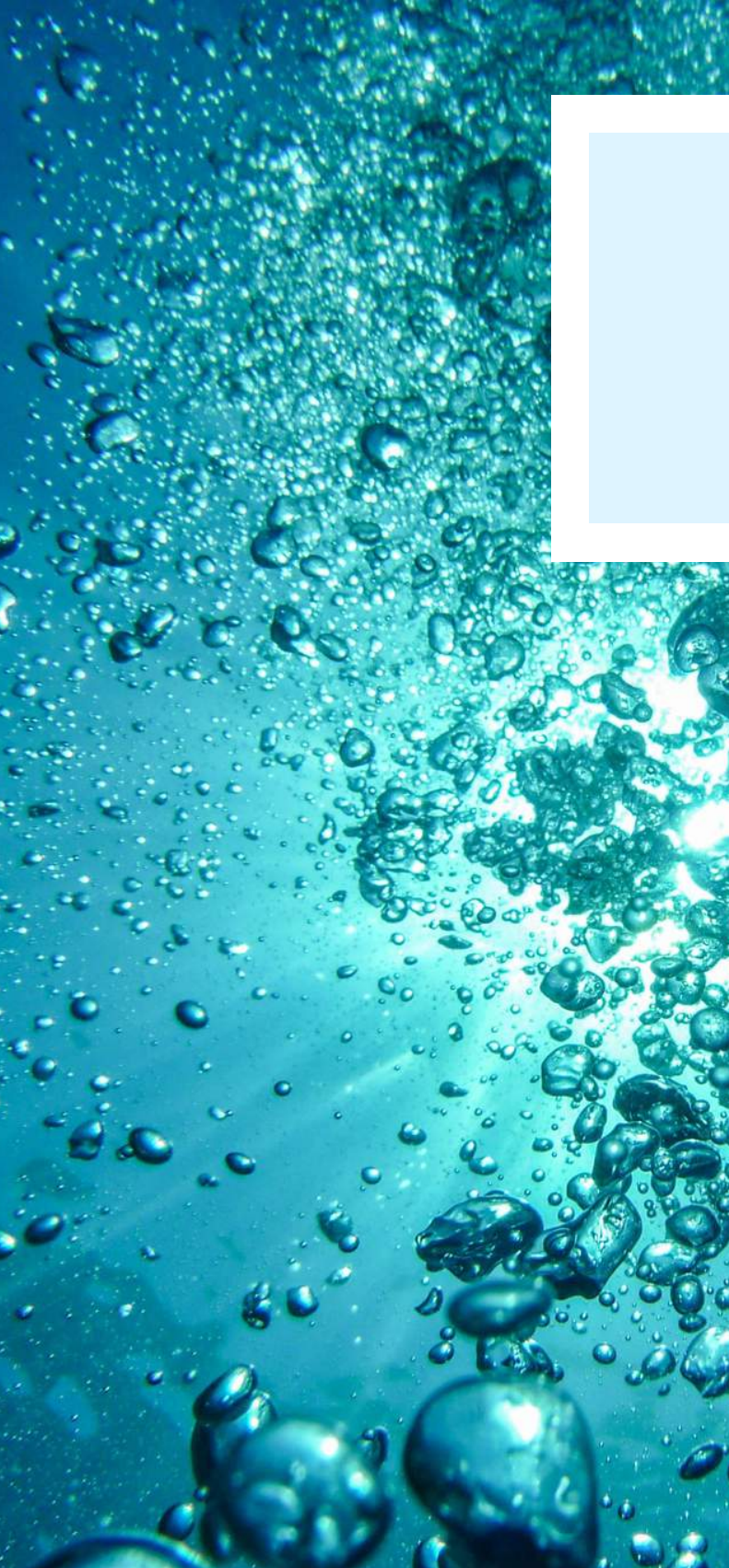
Again, I cannot stress enough how important your veracity will be. Telling the truth means your story stays the same throughout the entire process and there eliminates discrepancies to resolve later.



*After a slip and fall on a cruise ship the idea of a lawsuit was daunting. But the medical bills were stacking up. Most attorneys do not know how to deal with cruise ship injuries. Spencer and his team know what they are doing! I would not hesitate to recommend them.*

*-Rhonda G.*





# GETTING IN DEEPER

## **Independent Medical Examination (IME)**

The Independent Medical Examination is an opportunity for the cruise line to verify your injuries by having them examined by a carefully selected doctor who will render a medical opinion.

Unfortunately, in over 30 years of suing cruise lines, I have yet to see a medical report come back verifying the injury and stating that future medical care is necessary. This local Miami-based medical doctor will be deposed and available to testify at trial.

We will also introduce as evidence the reports and opinions of the medical providers that are actually treating your injuries to counteract the IME.

*Aronfeld Trial Lawyers provided sound, realistic legal advice and adopted an excellent strategy in the handling of my case that resulted in an outcome that exceeded my expectations. Both professional and approachable, I would not hesitate to recommend Spencer Aronfeld and his superb team.*

*- William C.*



# COMPARING DOCTORS

Cruise lines can outspend injured passengers and their lawyers. What will cost a cruise line \$2,000 in terms of evidence, can often cost you \$20,000 or more, depending on where you live and how expensive it is to gather your medical evidence.

This places the risk vs. reward analysis firmly to the advantage of the cruise line. This further explains why cruise lines insist on having these types of cases filed in Miami, Florida.



## Non-Local

Your doctor may reside any place in the world making travelling to Miami to testify in person an expensive challenge. Testifying via video is not as effective with the jury.



## Foreign

If your doctor does not speak fluent English, the language barrier may impact the effectiveness and accuracy of the testimony.



## Miami-based

The cruise line's doctor is local, therefore will testify in person. Their doctor will look the jury directly in the eyes the entire time.



## Fluent

The cruise line's doctor will testify with perfect command of the English language.



## Familiar

The credentials of the cruise line's doctor will be degrees from universities familiar to the jury, as will the names of the hospitals in which they work and communities in which they live.





# MEDIATION

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## CAN WE SETTLE?

In every Florida personal injury case, including those filed in federal court by cruise ship passengers, the judge will order the parties to attend a settlement conference known as mediation.

Each judge is different; some force the parties to sit down early on—before unspeakably huge amounts of time and money are spent in litigation—to see if the claim can be settled without a jury trial.

Others wait to the last minute, mere days before trial. Either way, both the claimant and defendant at some point will have to attend mediation.

# THE MEDIATION PROCESS

## Who is the Mediator?

An attorney or former judge who has experience in personal injury cases and received a certification in mediation.



## Caucusing

Following the presentations, each party separates into different rooms while the mediator shuffles back and forth speaking privately to each side.

## Who attends mediation?

All parties and their attorneys.



## Who speaks at mediation?

Each side makes a presentation to the mediator. The presentation may include slides but the purpose is to give the mediator as much information as necessary to understand the facts of the case.



Offers and counteroffers go back and forth in an attempt to learn just how much or little each side is willing to take by way of a settlement.

Except in cases where the damages are catastrophic or liability is weak, it is almost impossible to predict what a jury verdict will be for a given case. For that reason, the parties are often very far apart in their valuation of the damages; therefore, it can be difficult for the case to settle during mediation.

With that said, I make every attempt to show diplomacy to the opposing counsel in hopes of finding a solution that is in the best interests of my client. Some clients would rather take less during this stage, put the issue behind them and move on, rather than prepare for and endure a trial for more money later.



# Trial

Cases that go to trial are presented to eight jurors at the Federal Courthouse in Miami regardless of where in the world the incident actually occurred.

Typically, the defense counsel will present various pre-trial motions requesting that the case be dismissed based upon an endless list of legal technicalities.



We will spend a lot of time preparing for trial by reviewing witness statements, video footage, medical records, and other evidence that affects how and why the incident occurred.

We will prepare you to testify and know what to expect from cross-examination.

If you are ready to start the process to recover damages for your injury sustained while onboard a cruise ship, please set up a consultation.

I am a Board Certified Trial Lawyer. You will find we have the experience, compassion and trial advocacy skills necessary to help you navigate the difficult waters of litigation.

# Contact Us



**If you want to know more about suing a major cruise line please call my office toll-free at 1-866-597-4529 for a free initial consultation.**

**For more than 30 years I have fought hard to hold cruise lines accountable when they put their profits ahead of their passengers' safety.**



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