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Judge dismisses wrongful death case against Royal Caribbean Cruises

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By **Takesha Thomas** | Jan 24, 2019



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MIAMI — A Florida judge has dismissed a wrongful death case filed by the mother of a woman who died from salmonella on a Royal Caribbean cruise ship.

On Jan. 16, U.S. District Judge Jonathan Goodman dismissed a wrongful death claim against Royal Caribbean Cruises, Ltd., filed by Marla Martins in the U.S. District Court for the Southern District of Florida, Miami Division.

The court ruling in favor of Royal Caribbean came after Martins "failed to proceed with the previously scheduled trial, violated several Court orders entered in the weeks leading up to the trial, refused to participate in the Court-ordered pretrial stipulation, failed to attend the scheduled pretrial conference, and failed to file her exhibit and witness lists (or announce her intent to use earlier-filed lists) despite specific orders requiring her to submit the filings," according to Judge Goodman.

Martins initially filed a seven-count complaint against the cruise ship company alleging wrongful death under

the Death on the High Seas Act (DOHSA); alternative wrongful death under DOHSA based upon apparent agency, negligent hiring, retention, and training; and three counts of negligent infliction of emotional distress.

Martins' daughter, Briana Martins, was a passenger aboard the RCCL cruise ship Explorer of the Seas on Aug. 27, 2013. According to court allegations, Briana

ingested bacteria-ridden food while aboard the ship and developed salmonellosis. Briana was taken to the shipboard medical facility with complaints of vomiting, abdominal cramps, and diarrhea, court paperwork states. In the early morning hours of Aug. 28, 2013 Briana was pronounced dead as a result of peritonitis due to a small bowel anastomotic site perforation.

Attorneys for Marla Martins contend that "the ship's doctors and nurses failed to properly diagnose and treat Briana's condition," adding that Royal Caribbean also "failed to arrange for a medical disembarkation in Haiti."

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