

Cruise spa operator liable for \$9.5 million

by Susannah A. Nesmith

Special to the Review

A Miami-Dade Circuit Court jury awarded a British fitness instructor \$9.5 million to compensate him for injuries suffered when he fell while working on a Norwegian Cruise Line ship.

Danny Simpson sued Steiner Transocean, which employed him in the spa the company ran on the Norwegian Crown. Simpson claimed Steiner was vicariously liable for the conditions in his workplace after an NCL employee cleaned up an area of the spa floor but failed to dry it. Simpson fell on the wet floor in 2006, suffering an injury that caused nerve, spinal and neurological damage, his attorneys said.

Simpson, now 42, suffers from impotence, and bowel and urinary symptoms that require him to self-catheterize as well as irrigate his bowels three times a week, according to his attorneys, David W. Brill of Downs Brill Whitehead in Coral Gables and Julio J. Ayala of the Crowmember & Maritime Advocacy Center in Fort Lauderdale.

Simpson also underwent two penile implant procedures. The case tried before Miami-Dade Circuit Judge Valerie Manno Schurr was filed under the federal Jones



RICHARD M. BROOKS

David Brill, left, and Julio J. Ayala represented Danny Simpson, a fitness instructor who was injured on the Norwegian Crown.

Act passed in 1920, which allows seamen to sue their employers for negligence.

"Right as Danny was finishing an aerobics class, a passenger on a treadmill vomited. An NCL cleaner was

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called, and she cleaned the vomit," Brill explained. "She told Danny twice that she was done, implying that the floor was clean and dry."

"The employer has a nonrelegable duty to maintain the workplace in a safe condition," he added. "They breached that vicariously when the NCL worker failed to dry a floor that she cleaned and failed to warn anyone that the floor was wet."



Manno Schurr

After a two-week trial, the jury reached a verdict Friday in just 42 minutes, the attorneys said.

"What makes this case stand out was how the jury rejected the defense argument in such short order after a two-week trial," Ayala said. "From a legal standpoint, we were able to explain to the jury how Steiner could not blame Norwegian Cruise Line for the accident because it was ultimately Steiner's responsibility to maintain their workplace in a reasonably safe condition."

The jury determined Steiner was 100 percent responsible for Simpson's injuries, rejecting the argument that the injuries were from a pre-existing condition or any injuries that may have occurred after the fall, Brill said. A claim for punitive damages was settled confidentially before trial. Simpson also sued NCL, which also reached a confidential settlement before trial.

Simpson, who worked as a truck driver before taking the job with Steiner, is married with six children. His injuries now prevent him from doing any type of job that isn't sedentary, his attorneys said.

"He is much relieved that he has finally put this behind him," Ayala said. "He is leaving back to the United Kingdom on Friday but will be returning to undergo a spinal fusion surgery here in Miami."

"Steiner strongly believes that it wasn't responsible for Mr. Simpson's injuries and the judgment in the case was against the weight of the evidence," Steiner's lead attorney, David Horr of Horr Novak & Skipp said. "Steiner is considering its options at this point."