UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

Case No. 19-CV- 23591- BLOOM/Louis

HAVANA DOCKS CORPORATION,

Plaintiff,

v.

NORWEGIAN CRUISE LINE HOLDINGS LTD.

Defendant.
_____/

NORWEGIAN'S MOTION FOR STAY OF ACTION PENDING RESOLUTION OF THE INTERLOCUTORY APPEAL PROCESS OR – IN THE ALTERNATIVE – FOR LIMITED STAY DUE TO COVID-19 RELATED HARDSHIPS

Defendant Norwegian Cruise Line Holdings Ltd. ("Norwegian"), through undersigned counsel, files this Motion for Stay of this Action pending resolution of the interlocutory appeal process (*see* Mot. for Cert., ECF No. 61) or, in the alternative, for a limited stay due to significant COVID-19-related hardships.[1]

INTRODUCTION

This Motion concerns an Order entered in one of the first ever suits brought under Title III of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act (the "Act" or "Title III"). *See* Order, ECF No. 53. Now, a discrete legal question (though one with potentially broad application) on an issue of first impression within that Order forms the basis for certification for interlocutory review under Section 1292(b). Accordingly, just days ago Norwegian filed a motion asking this Court to amend its Order to certify that particular question for an interlocutory appeal. *See* Mot. for Cert., ECF No. 61. The other cruise lines that Plaintiff is separately suing in similar actions have filed motions seeking that same relief. *See* Mot. for Certification, *Havana Docks Corp. v. MSC Cruises SA Co.*, No. 19-cv-23588 (S.D. Fla. Apr. 27, 2020), ECF No. 58 (the "*MSC Cruises* Case"); Mot. for Certification, *Havana Docks Corp. v. Carnival Corp.*, No. 19-cv-21724 (S.D. Fla. Apr. 27, 2020), ECF No. 84 (the "*Carnival* Case"); *Havana Docks Corp. v. Royal Caribbean Cruises, Ltd.*, No. 19-cv-23590 (S.D. Fla. Apr. 27, 2020), ECF No. 47 (the "*Royal Caribbean* Case"). The disposition of this coordinated interlocutory appeal process has the potential to resolve a critical, threshold legal question in this and these other cases.

[1] For purposes of this Motion, "the resolution of the interlocutory appeal process" is defined as the first-occurring of two potential events: (1) the final disposition of Norwegian's interlocutory appeal, if such is granted, or (2) the Court's denial of Norwegian's Motion for Certification for Interlocutory Appeal and corresponding determination that no issue should be certified for appeal.

Given these circumstances, the Court should exercise its inherent authority to stay this case pending the resolution of the proposed interlocutory appeal process. Such a stay would sensibly avoid the unnecessary expenditure of this Court's and the parties' resources pending a binding decision from the Circuit Court. Alternatively, even if the case is not stayed as the possible appellate process moves forward, the Court should nonetheless grant a ninety-day stay of all proceedings given the immense impact that the COVID-19 pandemic has had on the public generally and on the cruise lines, including Norwegian, specifically. Finally, given that Title III has not been in effect for the approximately twenty-three years since Congress originally passed it, Plaintiff will not be unduly prejudiced by a brief further stay of its ability to pursue any claim that it may have in this forum.

For all of these reasons, the Court should grant this Motion and stay the case.

PROCEDURAL BACKGROUND

Plaintiff filed the first series of lawsuits ever under Title III, after the suspension on enforcement of that title was lifted. *See* 22 U.S.C. § 6021, *et seq.* The first action Plaintiff filed in a series of related lawsuits was against Carnival Corporation ("Carnival"). *See generally* Complaint, *Carnival* Case, ECF No. 1. The Complaint against Carnival alleged substantially similar facts as those alleged in the instant case, except that the trafficking by Carnival allegedly began in May 2016. *See generally id.* On May 30, 2019, Carnival filed a Motion to Dismiss, arguing in relevant part that Plaintiff failed to state a claim under Title III because the Complaint and the Certified Claim attached as an exhibit indicated that Plaintiff Havana Docks Corporation ("Plaintiff" or "Havana Docks") did not have an ownership interest in the Subject Property at the time Carnival allegedly began utilizing it. *See* Mot. to Dismiss, *Carnival* Case, ECF No. 17 at 11-15. Denying Carnival's Motion to Dismiss, this Court rejected the argument and agreed with Plaintiff that Carnival's interpretation conflated ownership of an interest in property and

ownership of a certified claim to such property, noting that the Act does not contain any requirement that the trafficking occur during the time in which a claimant holds its interest in the property. *See* Order, *Carnival* Case, ECF No. 47 at 8.

On August 27, 2019, Havana Docks filed three additional actions under Title III against Norwegian, MSC Cruises SA Co. and MSC Cruises (USA) Inc. (collectively, "MSC"), and Royal Caribbean Cruises, Ltd. ("Royal Caribbean"). *See generally* Compl., ECF No. 1; Compl., *MSC Cruises* Case, ECF No. 1; and Compl., *Royal Caribbean* Case, ECF No. 1

Norwegian and MSC both moved to dismiss, arguing in relevant part that Plaintiff's claim failed as a matter of law because Plaintiff's interest in the Subject Property was a leasehold interest that expired in 2004, and Plaintiff therefore could only assert a claim under Title III for trafficking that occurred prior to the expiration of its leasehold interest (which it did not and cannot allege was done in the *Norwegian* Case and *MSC Cruises* Case). *See* Mot. to Dismiss, ECF No. 31 at 16-20 ("Norwegian's Motion to Dismiss"); Mot. to Dismiss, *MSC Cruises* Case, ECF No. 24 at 8-9 ("MSC's Motion to Dismiss"). In ruling on Norwegian and MSC's Motions to Dismiss, the Court found it necessary to reconsider its ruling in the *Carnival* Case that denied Carnival's Motion to Dismiss. Following that reconsideration, the Court granted Norwegian's and MSC's Motions to Dismiss, dismissing both cases with prejudice. *MSC Cruises*, 2020 WL 59637, at *5; *Norwegian*, 2020 WL 70988, at *5. The Court held in both cases that Plaintiff could not state a claim under Title III based on allegations of trafficking that took place after Plaintiff's property interest in the subject Cuban property expired in 2004.

Plaintiff then moved for reconsideration and leave to amend in both cases, asking the Court ***for the fourth time*** to find that the fact that Plaintiff's property interest expired years before the alleged trafficking is legally irrelevant. Following briefing and oral argument, the Court granted those Motions for Reconsideration, *see* Order, and again reconsidered the

reasoning that led to it denying Carnival's Motion to Dismiss but then granting Norwegian's Motion to Dismiss. Because the Order involves a controlling question of law for which there is substantial difference of opinion, and an immediate appeal may eliminate a substantial portion, if not all, of Plaintiff's claim premised on the time-limited concession such that its resolution would materially advance the ultimate termination of the litigation, Norwegian has filed a Motion for Certification for Interlocutory Appeal. *See* Mot. for Cert., ECF No. 61.

In the meantime, just days after the Court entered its Order granting Plaintiff's Motion for Reconsideration, Plaintiff informed Norwegian that Plaintiff intends to resume its press for overbroad and unduly burdensome discovery that was served prior to this Court's dismissal of the case. That discovery includes forty-one separate requests for production and twenty interrogatories.

To allow for this case to proceed in the most just and efficient fashion possible, the Court should stay this action pending resolution of the interlocutory appeal process or, in the alternative and at a minimum, should grant a ninety-day stay of this case due to hardships attributable to the COVID-19 global pandemic. As has been well documented in the media, those hardships include (but are not limited to) the complete suspension of all of Norwegian's sailings, the organizational challenges that result from having its headquarters closed and its staff working from home, and – most importantly – ensuring the health and safety of its staff, customers, and crew.[2]

[2] Norwegian's Motion for a Stay due to COVID-19 related hardships is supported by the declaration of Lincoln M. Vidal dated May 4, 2020, Norwegian's Vice President and Assistant General Counsel, attached as Exhibit "A."

LEGAL STANDARD

"[T]he power to stay proceedings is incidental to the power inherent in every court to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants." *Landis v. North American Co.*, 299 U.S. 248, 254 (1936). A stay is warranted where it will not prejudice the Court or either party and will avoid unnecessary expenditure of judicial resources. *See id.* at 254-55 ("How this [*i.e.*, achieving the identified goals of a proposed stay] can best be done calls for the exercise of judgment, which must weigh competing interests and maintain an even balance."); *see also* 28 U.S.C. § 1292(b) (noting that although "application for an appeal hereunder shall not stay proceedings," "the district judge or the Court of Appeals of a judge thereof [can] so order").

ARGUMENT

I. The Court Should Exercise Its Inherent Authority to Stay This Action Pending the Resolution of the Interlocutory Appeal Process.

While application for appeal under Section 1292(b) does not automatically stay proceedings, the statute provides that the District Court has ample discretion to order such a stay. *See* 28 U.S.C. § 1292(b). Given the circumstances set forth in Section II, below, a stay pending the disposition of the possible interlocutory appeal in this action is warranted to conserve both the Court's and the parties' resources. And neither the Court nor either of the parties would be prejudiced by such a stay. This request is not novel; courts in this Circuit routinely grant such stays in tandem with certification orders. *See, e.g. Washburn v. Beverly Enterprises-Georgia, Inc.*, No. 106-051, 2007 WL 9700927, at *1 (S.D. Ga. Jan. 8, 2007) (granting 1292 motion concurrently with motion to stay); *In re Pacific Forest Products*, 335 B.R. 910, 924 (S.D. Fla. 2005) (same); *Lipton v. Documation, Inc.*, 590 F. Supp. 290, 291–92 (M.D. Fla. 1982) (same), *aff'd*, 734 F.2d 740 (11th Cir. 1984).

Indeed, in this context, a stay would be congruent with the spirit of Section 1292 because it would avoid the parties and the Court expending resources on a case whose trajectory may ultimately be diverted by additional input from the Eleventh Circuit. *See Mamani v. Berzain*, No. 07-22459, 2014 WL 12689038, at *3 (S.D. Fla. Aug. 18, 2014) (granting 1292 motion and staying action because "discovery in this case would be complex, time consuming, and expensive. Given that at least one issue certified on appeal may be dispositive of the case in its entirety, the interests of judicial economy would best be served by a stay of this case. Moreover, the Plaintiffs will suffer minimal prejudice from a further delay of this case pending appeal.").

The same is true in this action as in *Mamani* and the other cases cited herein. Here, the parties are in the midst of costly international discovery on potentially hundreds of thousands of pages of documents and dozens of witnesses across multiple separate actions, and all in the context of a global pandemic that has stifled operations and life in general. A stay would be more than prudent. Indeed, as the Eleventh Circuit explained in one such case, "[F]urther proceedings should not be undertaken pending resolution of [the] appeal" in order "***to realize the full benefit from this procedure***." *Harris v. Luckey*, 918 F.2d 888, 894 (11th Cir. 1990) (granting petition to appeal district court order under Section 1292 and staying all proceedings in the district court pending resolution of the appeal) (emphasis added). The Court, here, should likewise "realize the full benefit" of the certification procedure and impose a concurrent stay.

II. <u>In the Alternative, a Stay Is Warranted Given COVID-19 Related Hardships.</u>

In the alternative, the Court should nonetheless grant a ninety-day stay of all proceedings in this case given the immense impact that the COVID-19 pandemic has had on the public generally and on the cruise lines specifically.

At this point, it goes nearly without saying that the COVID-19 crisis has caused an unprecedented disruption to the operations of the cruise line industry, with sailings coming to a complete halt. Norwegian's main priority throughout this crisis continues to be the safety of its staff, customers, and crew. Accordingly, Norwegian has diverted substantial resources to address their needs. Although there can of course be no guarantee, at present Norwegian anticipates that the immediate and increased allocation of its resources to address the novel travel safety, employment, and corporate operations issues will have subsided enough within ninety-days to allow the parties to reengage in this litigation. Finally, this stay will not cause any prejudice to Plaintiff.

A. *Background on the COVID-19 Pandemic*

On March 13, 2020, President Donald Trump declared a national emergency in response to the novel COVID-19 outbreak in the United States. *See Proclamation on Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID-19) Outbreak*, The White House (Mar. 13, 2020), https://www.whitehouse.gov/presidential-actions/proclamation-declaring-national-emergency-concerning-novel-coronavirus-disease-covid-19-outbreak/. In an effort to limit the spread of COVID-19, Florida Governor Ron DeSantis issued a state-wide "stay at home" order. *See* Fla. Exec. Order No. 20-91 (Apr. 1, 2020). Miami-Dade County Mayor Carlos Gimenez has also issued a "stay at home" order specific to Miami-Dade County, the county in which Norwegian's headquarters are located and where Norwegian's employees and in-house counsel who are necessary to this case are located. *See* Miami-Dade Cty. Emergency Order 12-20 (Mar. 26, 2020). Miami-Dade County is also where Plaintiff's counsel and Norwegian's counsel are based.

Similarly, Kentucky Governor Andy Beshear has issued a state-wide "stay at home" order, which is where Plaintiff's headquarters are located. *See* Ky. Exec. Order No. 2020-257

(Mar. 25, 2020). Governor Beshear subsequently issued another order instructing Kentucky residents not to travel into any other states and directing that residents of any state other than Kentucky may not travel into the state subject to a few enumerated exceptions. *See* Ky. Exec. Order No. 2020-266 (Apr. 2, 2020).

These orders restricting the ability to travel outside of one's home have created unprecedented challenges for workers who are now working from home, if their job allows them to, while caring for children who cannot go to school, and straining the resources of companies' abilities to operate remotely for an extended period of time.

B. *COVID-19's Impact on the Cruise Line Industry and Norwegian*

The cruise line industry has been one of the most severely and immediately impacted by COVD-19. *See* Vidal Decl. Ex. A, at ¶ 3. Sailings have been suspended since March 13, 2020. *See id.* This decision was not made lightly, as "[t]he cruise industry is a vital artery of the U.S. economy, supporting over 421,000 American jobs, with every 30 cruisers supporting one U.S. job." *See CLIA Announces Voluntary Suspension in U.S. Cruise Operations*, Cruise Lines Int'l Ass'n (Mar. 13, 2020), https://cruising.org/news-and-research/press-room/2020/march/clia-covid-19-toolkit.

Throughout this crisis, Norwegian's priority has been and continues to be the safety of its staff, customers, and crew. *See* Vidal Decl. Ex. A, at ¶ 4. Norwegian has accordingly re-directed its resources to deal with the operational challenges of addressing its staff's, customers', and crew's health concerns and implementing measures to ensure the health and safety of future guests and crew, including the decontamination of its vessels. *See id.* at ¶ 5. Due to the current global environment, Norwegian recently had to extend the suspension of all sailings through June 30, 2020. *See id.* at ¶ 3.

Norwegian's limited time and resources are thus focused on protecting its customers, employees, and business in these very challenging times. A stay of the instant proceedings will allow Norwegian to focus its efforts on the immediate crisis to ensure the safety of the public and the survival of the cruise line industry through, and after, the COVID-19 pandemic.

"The District Court has broad discretion to stay proceedings as an incident to its power to control its own docket." *Floyd v. Sallie Mae, Inc.*, No. No. 12-CIV-22649, 2015 WL 12978798, at *1 (S.D. Fla. Nov. 30, 2015) (quoting *Clinton v. Jones*, 520 U.S. 681, 706 (1997)). Such discretion in favor of a stay should be exercised when a party "demonstrate[s] reasonableness and good cause." *Id.* at * 2; *see, e.g.*, *Garbutt v. Ocwen Loan Servicing, LLC*, No. 8:20-CV-136-T-36JSS, 2020 WL 1476159, at *2 (M.D. Fla. Mar. 26, 2020) (finding COVID-19's disruption to business justifies a stay of discovery until June 1, 2020).

Here, the requested stay is both reasonable and supported by good cause. Indeed, any delay that may result from staying the case is necessary due to the hardships resulting from the protective measures being taken globally to combat COVID-19, which are outside of the parties' control. These hardships are magnified when it comes to the cruise line industry given that its operations have grounded to a complete halt. *Kleiman v. Wright*, No. 18-CV-80176, 2020 WL 1472087, at *2 (S.D. Fla. Mar. 26, 2020) (recognizing that "workforces across the nation are stretched thin" such that an amendment to the scheduling order is appropriate).

Several Judges in this District have already recognized the impact of COVID-19 on various parties' ability to perform pre-trial activities and have not hesitated to grant reasonable stays where appropriate. *See, e.g.*, *Lopez Regueiro v. American Airlines Inc., et al.*, No. 19-23965 (S.D. Fla. Apr. 6, 2020) (ordering a Title III case administratively closed "[g]iven the inability to proceed with the orderly progress of the case due to the uncertainty regarding the duration of the restrictions and worldwide pandemic, and to conserve the parties' and judicial

resources") (Exhibit B); *C.W. v. NCL (Bahamas) Ltd.*, No. 19-cv-24441 (S.D. Fla. Mar. 31, 2020) (same) (Exhibit C); Paperless Order, *C.W. v. NCL (Bahamas) Ltd.*, No. 19-cv-24441 (S.D. Fla. Mar. 21, 2020) (finding "it [is not] rational to expect defense counsel to enlist assistance from cruise ship attorneys and other employees (e.g., to track down documents and information) to adequately prepare the corporate representative when the entire cruise ship industry is on lockdown and thousands of employees have been let go") (Exhibit D); *Mata et al. v. Expedia, Inc., et al.*, No. 19-22529, at 1 (S.D. Fla. Mar. 13, 2020) (ordering a Title III case closed for statistical purposes "[g]iven it is impossible to proceed with the orderly progress of the case due to the uncertainty regarding the duration of travel restrictions, and to conserve the parties' and judicial resources") (Exhibit E).

Similar relief here is equally reasonable and Norwegian has shown good cause for such relief in light of its allocation of resources to the immediate challenges it is working to overcome as one of the industries most impacted by COVID-19. The ongoing difficulties of working remotely with limited staff and resources against the COVID-19 backdrop present profound logistical issues for the fact-intensive discovery ahead in this action. Moreover, Plaintiff – who has not indicated that it is seeking time-sensitive or emergency relief on any matter in this action – will not be prejudiced by this relief. Thus, given the inability to proceed with the orderly progress of the case due to the uncertainty regarding the duration of the restrictions and the worldwide pandemic, and to conserve the parties' and judicial resources, this Court should stay the case for ninety-days.

CONCLUSION

For the foregoing reasons, the Court should enter an Order granting this Motion and staying this action pending resolution of the interlocutory appeal process or, in the alternative, staying this case for ninety days due to hardships attributable to the COVID-19 global pandemic.

CERTIFICATE OF GOOD FAITH CONFERENCE

Pursuant to Local Rule 7.1(a)(3), undersigned counsel for Norwegian certify that they have conferred with opposing counsel, and Plaintiff opposes the relief sought herein.

Respectfully submitted,

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Counsel for Norwegian Cruise Line Holdings Ltd.

CERTIFICATE OF SERVICE

I hereby certify that on May 4, 2020, the foregoing was filed with the Clerk of Court using CM/ECF, which will serve a Notice of Electronic Filing on all counsel of record.

By: */s/ Allen P. Pegg*
Allen P. Pegg

EXHIBIT A

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

Case No. 19-CV-23591-BLOOM/Louis

HAVANA DOCKS CORPORATION,

Plaintiff,

v.

NORWEGIAN CRUISE LINE HOLDINGS LTD.

Defendant.
_____/

DECLARATION OF LINCOLN M. VIDAL

I, Lincoln M. Vidal, declare:

1. I am over the age of 18 and make this declaration of my own personal knowledge, and if called as a witness, I would testify competently to the facts stated herein.

2. I am the Vice President and Assistant General Counsel of Norwegian Cruise Line Holdings Ltd. ("Norwegian") headquartered in Miami, Florida. As part of my current regular job responsibilities, I have personal knowledge of the issues addressed in this Declaration.

3. Norwegian, as a member of the cruise line industry, has been significantly impacted by COVID-19. In response to this global public health crisis, Norwegian joined its counterparts in the industry and suspended its sailings effective March 13, 2020. Norwegian recently extended the suspension of all sailings across its fleet through June 30, 2020, in response to the ongoing global efforts to contain the spread of COVID-19 that have resulted in travel restrictions and continued uncertainty regarding port closures and availability.

4. Norwegian's priority has been and continues to be the safety of its staff, customers, and crew. Norwegian's operational, legal, and human resources personnel have re-directed their efforts to deal with the significant impact that this crisis is having on its operations, staff, customers, and crew.

5. Norwegian is focused on addressing its staff's, customers', and crew's health concerns and implementing measures to ensure the health and safety of future customers and crew. The Centers for Disease Control and Prevention is providing guidance specific to the cruise line industry. *See Cruise Ship Guidance*, Cruise Lines Int'l Ass'n (Apr. 17, 2020), https://www.cdc.gov/quarantine/cruise/index.html. Norwegian has accordingly acted swiftly to re-direct its resources to implement some of the strictest measures in the industry to ensure the safety of its customers and crew, including the decontamination of its vessels.

6. Directives from the federal, state, and local governments instructing individuals to practice social distancing have compounded the challenges that Norwegian faces. Miami-Dade County, home to Norwegian's headquarters, is under a "stay at home" order for non-essential businesses and their employees. Thus, all non-essential Norwegian employees based in Miami-Dade County are required to work from home during this time. While some access is available, off-site work functionality presents unique organizational and technological challenges that Norwegian has had to address in the midst of dealing with the pandemic's effects on its operations.

7. Norwegian is committed to emerging from this crisis as quickly as is possible. In order to do so, its primary efforts in the coming weeks must be focused on handling the impact that COVID-19 has had on its operations as well as the welfare of its staff, customers, and crew.

8. I have reviewed the Motion to Stay that is being filed contemporaneously with this Declaration and agree that (at a minimum) the ninety-day extension sought therein would be a

prudent, and necessary, measure to ensure that Norwegian is able to suitably attend to both this litigation and the present health and business circumstances.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 4th day of May 2020, in Miami-Dade County, Florida.

By: Lincoln M. Vidal
Lincoln M. Vidal

EXHIBIT B

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF FLORIDA

19-23965-CIV-MARTINEZ

JOSÉ RAMÓN LÓPEZ REGUEIRO,

Plaintiff,

vs.

AMERICAN AIRLINES INC. and
LATAM AIRLINES GROUP, S.A,

Defendants.

_____/

ADMINISTRATIVE ORDER CLOSING CASE FOR STATISTICAL PURPOSES AND PLACING MATTER IN CIVIL SUSPENSE FILE

THIS CAUSE came before the Court upon American Airlines, Inc.'s Motion for Stay, filed on April 3, 2020 [ECF No. 82]. Defendant seeks an extension of time due to Coronavirus-related concerns and restrictions. Given the inability to proceed with the orderly progress of the case due to the uncertainty regarding the duration of the restrictions and worldwide pandemic, and to conserve the parties' and judicial resources, it is:

ORDERED AND ADJUDGED that:

I. The Clerk of this Court shall mark this cause as **CLOSED** for statistical purposes only and place the matter in a civil suspense file. All pending motions are **DENIED AS MOOT** to be refiled upon the re-opening of this case.

II. The Court shall retain jurisdiction and the case shall be restored to the active docket upon motion of the parties when circumstances change so that this action may proceed to final disposition. This order shall not prejudice the rights of the parties to this litigation.

III. The parties shall jointly notify the Court by May 1, 2020, and every month thereafter of the current status of the proceedings and when this action is ready to proceed. Failure to file a status report will result in dismissal without prejudice without further notice.

DONE AND ORDERED in Chambers at Miami, Florida, this 6th of April 2020.

JOSE E. MARTINEZ
UNITED STATES DISTRICT JUDGE

EXHIBIT C

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO. 19-24441-CIV-ALTONAGA/Goodman

C.W., a minor, by and through
her father, natural guardian and
next friend, **F.W.**,

Plaintiff,

vs.

NCL (BAHAMAS) LTD.,

Defendant.
_____/

ADMINISTRATIVE ORDER CLOSING CASE

THIS CAUSE came before the Court on the Joint Motion for Trial Continuance and Enlargement of Remaining Pre-Trial Deadlines, filed on March 31, 2020 [ECF No. 40]. The parties seek a postponement of all pre-trial deadlines and the trial date stay because of Coronavirus-related travel and meeting restrictions. (*See generally id.*). Given the inability to proceed with the orderly progress of the case due to the uncertainty regarding the duration of the restrictions, and to conserve the parties' and judicial resources, it is

ORDERED AND ADJUDGED that the Clerk of the Court is **DIRECTED** to mark this case **CLOSED** for statistical purposes only. All motions are denied as moot. The Court nonetheless retains jurisdiction, and the case shall be restored to the active docket upon court order following motion of the parties (with an accompanying proposed scheduling report) advising they are prepared to proceed with firm — as opposed to what appear to be aspirational — dates for resolution of the case. This Order shall not prejudice the rights of the parties to this litigation.

DONE AND ORDERED in Miami, Florida, this 30th day of March, 2020.

Cecilia M. Altonaga

CECILIA M. ALTONAGA
UNITED STATES DISTRICT JUDGE

cc: counsel of record

EXHIBIT D

TO ORDER COPIES OF ANY DOCUMENTS LISTED
BELOW, CALL WESTLAW COURTEXPRESS
1-877-DOC-RETR (1-877-362-7387) (Additional Charges Apply)

This docket is current through 04/20/2020

Current Date: 4/27/2020
Source: U.S. District Court, Southern District of Florida (Miami)

Court:	U.S. District Court, Southern District of Florida (Miami)
Case Title:	C.W. v. NCL (Bahamas) Ltd.
Case:	1:19-CV-24441
Judge:	Judge Cecilia M. Altonaga
Date Filed:	10/28/2019
Date Closed/Terminated:	03/31/2020
Case Status:	CLOSED, JG, MEDIATION, REF_DISCOV

SYNOPSIS INFORMATION

Allegations:	Defendant failed to provide reasonably adequate security to protect minor passengers participating in its Entourage activities, causing plaintiff's minor to sustain injuries after being sexually assaulted and harassed by an adult male passenger.
Damages:	Compensatory and punitive damages, and costs.
COMPLAINT (MANUALLY RETRIEVED)	Original Image of this Document (PDF)

CASE INFORMATION

Case Number:	1:19CV24441
Referred To:	Magistrate Judge Jonathan Goodman
Jury Demand:	Plaintiff
Nature of Suit:	Torts: Other Personal Injury (360)
Key Nature of Suit:	Torts/Negligence; Personal Injury; Other Federal Actions (430.75.25)
Jurisdiction:	Federal Question
Cause:	28 USC 1333 Admiralty

PARTICIPANT INFORMATION

A Minor

Party Description:	a minor, by and through her father, natural guardian and next Friend, F.W.
Type:	Plaintiff
Attorney:	David L Markel
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NCL (Bahamas) Ltd.

Party Description:	Doing Business As Norwegian Cruise Lines
Party Description:	a Bermuda Corporation
Type:	Defendant
Attorney:	Avi C Shoham
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CALENDAR INFORMATION

View Calendar Information

DOCKET PROCEEDINGS (43)

Entry #:	Date:	Description:	
41	03/31/2020	Administrative Order Closing Case. Denying as moot 40 Joint MOTION to Continue Trial and Enlargement of Remaining Pretrial Deadlines filed by NCL (Bahamas) Ltd., 39 Defendant's MOTION to Dismiss with Prejudice [Signed by Judge Cecilia M. Altonaga on 3/31/2020. (ps1) Modified on 3/31/2020 to correct docket text to reflect order is not paperless (ps1). (Entered: 03/31/2020)	View Add to request
40	03/31/2020	Joint MOTION to Continue Trial and Enlargement of Remaining Pretrial Deadlines by NCL (Bahamas) Ltd.. Responses due by 4/14/2020 (Attachments: # 1 Exhibit A - Proposed Order) (Shoham, Avi) (Entered: 03/31/2020)	View Add to request
39	03/27/2020	Defendant's MOTION to Dismiss with Prejudice 35 Amended Complaint (Count III) by NCL (Bahamas) Ltd.. Responses due by 4/10/2020 (Shoham, Avi) (Entered: 03/27/2020)	View Add to request
38	03/21/2020	PAPERLESS ORDER re 37 Order on Motion for Protective Order, 36 Defendant's MOTION for Protective Order re: Plaintiff's Unilaterally Noticed Deposition of Defendant NCL's Corporate Representative filed by NCL (Bahamas) Ltd. Defendant NCL (Bahamas) Ltd. filed [ECF No. 36] an emergency motion for a protective order last night concerning a routine snafu over the date of a corporate representative deposition. United States District Judge Cecilia M. Altonaga denied [ECF No. 37] the motion because it failed to comply with the Discovery Procedures Order, but she ordered that the corporate representative	Send Runner to Court

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deposition (which Plaintiff unilaterally scheduled for March 25, 2020) would not take place next week. The Order also explained that NCL need not provide a corporate representative until I decide the dispute. Presumably, the parties will reschedule the hearing if they still can't on their own resolve a routine deposition scheduling snafu. Nevertheless, I feel compelled to offer some observations in the "let's-keep-things-in-perspective" department. The entire world is in the midst of a pandemic. Thousands of people worldwide have contracted the Corona virus and there have been hundreds of virus-caused deaths in the United States. Millions of Americans have been ordered to remain in their homes. Millions more have lost their jobs in the past two weeks. The stock market has taken a brutal beating in the last two to three weeks. Many people are scared. Others are panicked. Everyone is unsure about the future. Cruises have been canceled and all the major airlines have severely curtailed their flights. We are living in an unprecedented situation. Nevertheless, the lawyers in this case have been exchanging snippy emails over the past two weeks over the scheduling of a corporate representative deposition. Moreover, defense counsel certified that this routine discovery dust-up is so important that it merits "emergency" status. No, it doesn't. Local Rule 7.1(d) requires a movant seeking emergency relief to certify that a "true emergency" exists because meaningful relief could not be provided on "a critical, non-routine " issue within seven days. (emphasis added). A spat over the specific day of a corporate representative deposition is hardly critical. It is, in fact, routine. Moving

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past the incorrect and, frankly, reckless designation of this dispute as an "emergency," the Undersigned is shocked that counsel could not on their own resolve the issue. Given the health and economic crisis we are in, not postponing the deposition scheduled for next week is patently unreasonable. If all the issues we are currently facing were to be organized on a ladder of importance, this deposition-scheduling dispute would not even reach the bottom rung of a 10-rung ladder. It is painfully obvious that counsel for both sides failed to keep their comparatively unimportant dispute in perspective. Would the world end if the corporate deposition did not occur next week? Obviously not. Is it reasonable to require defense counsel to prepare the 30(b)(6) witness for a deposition while complying with the social distancing standard of ten feet? Absolutely not. Is it rational to expect defense counsel to enlist assistance from cruise ship attorneys and other employees (e.g., to track down documents and information) to adequately prepare the corporate representative when the entire cruise ship industry is on lockdown and thousands of employees have been let go? Of course not. So the deposition will not be taken next week. Life will go on. But the Undersigned will be requiring counsel for both sides to appear for a hearing at some point, even if they work out the rescheduled date for the corporate deposition. That hearing will require the attorneys to explain their behavior in context of the far-more-important issues this Court (and the entire world) is facing. Signed by Magistrate Judge Jonathan Goodman on 3/21/2020. (JG) (Entered: 03/21/2020)

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37	03/20/2020	PAPERLESS ORDER denying 36 Motion for Protective Order. Defendant is advised to follow the procedures for discovery disputes described in the Scheduling Order [ECF No. 18]. Until the matter is heard and decided by Magistrate Judge Goodman, Defendant need not comply with the subpoena. Signed by Judge Cecilia M. Altonaga (CMA) (Entered: 03/20/2020)	Send Runner to Court
36	03/20/2020	Defendant's MOTION for Protective Order re: Plaintiff's Unilaterally Noticed Deposition of Defendant NCL's Corporate Representative by NCL (Bahamas) Ltd.. (Attachments: # 1 Exhibit A - P's Not-Depo of NCL Corp Rep, # 2 Exhibit B - Def's various emails to work out dates)(Shoham, Avi) (Entered: 03/20/2020)	View Add to request
35	03/13/2020	First AMENDED COMPLAINT and Demand for Jury Trial against NCL (Bahamas) Ltd., filed by C.W..(Delgado, Raul) (Entered: 03/13/2020)	View Add to request
34	03/03/2020	ORDER Scheduling Mediation before Elisabeth M. Rock, Esq.; Mediation Hearing set for 5/22/2020 10:00 AM. Signed by Judge Cecilia M. Altonaga on 3/3/2020. See attached document for full details. (ps1) (Entered: 03/03/2020)	View Add to request
33	03/03/2020	ORDER granting in part 12 Motion to Dismiss. Amended Complaint due by 3/13/2020. Signed by Judge Cecilia M. Altonaga on 3/3/2020. See attached document for full details. (ps1) (Entered: 03/03/2020)	View Add to request
32	03/03/2020	PAPERLESS Minute Entry for proceedings held before Judge Cecilia M. Altonaga: Motion Hearing held on 3/3/2020 re 12 Defendant's MOTION to Dismiss with Prejudice 1 Complaint, filed by NCL (Bahamas) Ltd.. Total time in court: 10 minutes. Attorney Appearance(s): Raul Gabriel Delgado, II, Edward Steven Schwartz, Avi C Shoham, Darren Wayne Friedman,	Send Runner to Court

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		Court Reporter: Stephanie McCarn, 305-523-5518 / Stephanie_McCarn@flsd.uscourts.gov. (afa) (Entered: 03/03/2020)	
31	03/03/2020	NOTICE OF WITHDRAWAL OF MOTION by C.W. **Notice of Withdrawal of Count IV for Negligence Per Se (Delgado, Raul) (Entered: 03/03/2020)	View Add to request
30	03/02/2020	NOTICE of Mediator Selection. Selected/Added NCL (Bahamas) Ltd. as Mediator. (Shoham, Avi) (Entered: 03/02/2020)	View Add to request
29	03/02/2020	REPLY to Response to Motion re 12 Defendant's MOTION to Dismiss with Prejudice 1 Complaint, filed by NCL (Bahamas) Ltd.. (Shoham, Avi) (Entered: 03/02/2020)	View Add to request
28	02/27/2020	Clerks Notice of Docket Correction re 27 Notice of Hearing on Motion. Correction PLEASE DISREGARD - FILED IN ERROR. HEARING REMAINS SET FOR 3/3/20 at 8:30 a.m. (ps1) (Entered: 02/27/2020)	Send Runner to Court
27	02/27/2020	PAPERLESS NOTICE of Hearing on 12 Defendant's MOTION to Dismiss with Prejudice 1 Complaint: Motion Hearing set for 3/5/2020 08:30 AM in Miami Division before Judge Cecilia M. Altonaga. (ps1) (Entered: 02/27/2020)	Send Runner to Court
	02/27/2020	Set/Reset Deadlines/Hearings as to 12 Defendant's MOTION to Dismiss with Prejudice 1 Complaint (per 13 Notice of Hearing): Motion Hearing set for 3/3/2020 08:30 AM in Miami Division before Judge Cecilia M. Altonaga. (ps1) (Entered: 02/27/2020)	Send Runner to Court
26	02/25/2020	RESPONSE in Opposition re 12 Defendant's MOTION to Dismiss with Prejudice 1 Complaint, filed by C.W.. Replies due by 3/3/2020. (Schwartz, Edward) (Entered: 02/25/2020)	View Add to request
25	02/19/2020	ORDER granting in part 24 Motion for Extension of Time to File Response Re: 12 Defendant's MOTION to Dismiss with Prejudice 1 Complaint, filed by NCL (Bahamas) Ltd. Responses due by 2/25/2020.	View Add to request

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		Signed by Judge Cecilia M. Altonaga on 2/19/2020. See attached document for full details. (ps1) (Entered: 02/19/2020)	
24	02/19/2020	Unopposed MOTION for Extension of Time to File Response/Reply/Answer as to 23 Order on Motion for Extension of Time to File Response/Reply/Answer, 12 Defendant's MOTION to Dismiss with Prejudice 1 Complaint, Renewed with Proposed order by C.W.. (Attachments: # 1 Text of Proposed Order)(Delgado, Raul) (Entered: 02/19/2020)	View Add to request
23	02/19/2020	PAPERLESS ORDER denying 22 Motion for Extension of Time to File Response due to the failure to submit a proposed order, as is required by the Local Rules. Signed by Judge Cecilia M. Altonaga (CMA) (Entered: 02/19/2020)	Send Runner to Court
22	02/18/2020	Unopposed MOTION for Extension of Time to File Response/Reply/Answer as to 12 Defendant's MOTION to Dismiss with Prejudice 1 Complaint, by C.W.. (Attachments: # 1 Text of Proposed Order)(Delgado, Raul) (Entered: 02/18/2020)	View Add to request
21	02/12/2020	MAGISTRATE JUDGE GOODMAN'S DISCOVERY PROCEDURES ORDER Signed by Magistrate Judge Jonathan Goodman on 2/12/2020. See attached document for full details. (tb) (Entered: 02/12/2020)	View Add to request
20	02/12/2020	NOTICE of Attorney Appearance by Jeffrey Eric Foreman on behalf of NCL (Bahamas) Ltd. (Foreman, Jeffrey) (Entered: 02/12/2020)	View Add to request
19	02/12/2020	NOTICE of Compliance by C.W. re 17 Order to Show Cause, (Delgado, Raul) (Entered: 02/12/2020)	View Add to request
18	02/11/2020	ORDER SETTING TRIAL AND PRE-TRIAL SCHEDULE, REQUIRING MEDIATION, AND REFERRING CERTAIN MATTERS TO MAGISTRATE JUDGE: (Jury Trial set for 1/19/2021 before Judge Cecilia	View Add to request

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		M. Altonaga., Calendar Call set for 1/12/2021 09:00 AM before Judge Cecilia M. Altonaga.), ORDER REFERRING CASE to Mediation., ORDER REFERRING CASE to Magistrate Judge Jonathan Goodman for Discovery Matters. Signed by Judge Cecilia M. Altonaga on 2/11/2020. See attached document for full details. (cds) Pattern Jury Instruction Builder - To access the latest, up to date changes to the 11th Circuit Pattern Jury Instructions go to https://pji.ca11.uscourts.gov or click here. (Entered: 02/12/2020)	
17	02/11/2020	ORDER that Plaintiff comply with the Order requiring the parties to file certificates of interested parties by February 12, 2020, failing which the case may be dismissed without prejudice and without further notice. Signed by Judge Cecilia M. Altonaga on 2/11/2020. See attached document for full details. (wc) (Entered: 02/11/2020)	View Add to request
16	02/11/2020	Plaintiff's Certificate of Other Affiliates by C.W. (Delgado, Raul) (Entered: 02/11/2020)	View Add to request
15	02/10/2020	Joint SCHEDULING REPORT - Rule 16.1 by NCL (Bahamas) Ltd. (Attachments: # 1 Text of Proposed Order)(Shoham, Avi) (Entered: 02/10/2020)	View Add to request
14	02/10/2020	Defendant's Certificate of Other Affiliates/Corporate Disclosure Statement by NCL (Bahamas) Ltd. (Shoham, Avi) (Entered: 02/10/2020)	View Add to request
13	02/10/2020	PAPERLESS NOTICE of Hearing on 12 Defendant's MOTION to Dismiss with Prejudice 1 Complaint: Motion Hearing set for 3/3/2020 08:30 AM in Miami Division before Judge Cecilia M. Altonaga. (ps1) (Entered: 02/10/2020)	Send Runner to Court
12	02/06/2020	Defendant's MOTION to Dismiss with Prejudice 1 Complaint, by NCL (Bahamas) Ltd.. Responses due by 2/20/2020 (Attachments: # 1 Exhibit A - Norwegian Website "Safety and Security Info", # 2 Exhibit B -	View Add to request

		Norwegian Website "Cruise Line Incident Reports", # 3 Exhibit C - Order on Def's Mot-Dismiss, # 4 Exhibit D - Transcr of Hrg on Def's Mot-Dismiss)(Shoham, Avi) (Entered: 02/06/2020)	
11	02/03/2020	ORDER granting 10 Motion for Leave to File Excess Pages. Defendant, NCL (BAHAMAS) LTD., shall be allowed up to an additional five (5) pages to respond to Plaintiff's Complaint, thereby allowing it up to a total of twenty-five (25) pages for its motion to dismiss. The response to the motion to dismiss may exceed the page limits by an additional five pages as well. The reply memorandum may not exceed the page limits allowed by the Rules. Signed by Judge Cecilia M. Altonaga on 2/3/2020. See attached document for full details. (ps1) (Entered: 02/03/2020)	View Add to request
10	02/03/2020	Unopposed MOTION for Leave to File Excess Pages to Respond to Plaintiff's Complaint by NCL (Bahamas) Ltd.. (Attachments: # 1 Text of Proposed Order)(Shoham, Avi) (Entered: 02/03/2020)	View Add to request
9	01/24/2020	NOTICE of Attorney Appearance by Darren Wayne Friedman on behalf of NCL (Bahamas) Ltd.. Attorney Darren Wayne Friedman added to party NCL (Bahamas) Ltd.(pty:dft). (Friedman, Darren) (Entered: 01/24/2020)	View Add to request
8	01/24/2020	ORDER granting in part 7 Motion for Extension of Time. Defendant's response to the Complaint due by 2/6/20; Joint Scheduling Report due by 2/10/2020. Signed by Judge Cecilia M. Altonaga on 1/24/2020. See attached document for full details. (ps1) (Entered: 01/24/2020)	View Add to request
	01/24/2020	Set/Reset Answer Due Deadline: NCL (Bahamas) Ltd. response due 2/6/2020. (ps1) (Entered: 01/24/2020)	Send Runner to Court
7	01/23/2020	Defendant's MOTION for Extension of Time TO RESPOND TO PLAINTIFF'S COMPLAINT AND FOR THE	View Add to request

		PARTIES TO FILE JOINT SCHEDULING REPORT by NCL (Bahamas) Ltd.. Attorney Avi C Shoham added to party NCL (Bahamas) Ltd.(pty:dft). Responses due by 2/6/2020 (Attachments: # 1 Text of Proposed Order)(Shoham, Avi) (Entered: 01/23/2020)	
6	01/14/2020	ORDER REQUIRING SCHEDULING REPORT AND CERTIFICATES OF INTERESTED PARTIES. Joint Scheduling Report due by 2/10/2020. Signed by Judge Cecilia M. Altonaga on 1/14/2020. See attached document for full details. (amb) (Entered: 01/14/2020)	View Add to request
5	01/13/2020	SUMMONS (Affidavit) Returned Executed on 1 Complaint, with a 21 day response/answer filing deadline pursuant to Fed. R. Civ. P. 12 by C.W.. NCL (Bahamas) Ltd. served on 1/6/2020, answer due 1/27/2020. (Gerson, Nicholas) (Entered: 01/13/2020)	View Add to request
4	11/15/2019	ORDER that on or before January 26, 2020, Plaintiff shall perfect service upon the Defendant or show cause why this action should not be dismissed for failure to perfect service of process. Failure to file proof of service or show good cause by January 26 will result in a dismissal without prejudice and without further notice. Signed by Judge Cecilia M. Altonaga on 11/15/2019. See attached document for full details. (wc) (Entered: 11/15/2019)	View Add to request
3	10/29/2019	Summons Issued as to NCL (Bahamas) Ltd., a Bermuda Corporation. (amb) (Entered: 10/29/2019)	View Add to request
2	10/28/2019	Clerks Notice of Judge Assignment to Judge Cecilia M. Altonaga. Pursuant to 28 USC 636(c), the parties are hereby notified that the U.S. Magistrate Judge Jonathan Goodman is available to handle any or all proceedings in this case. If agreed, parties should complete and file the Consent	Send Runner to Court

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		form found on our website. It is not necessary to file a document indicating lack of consent. Pro se (NON-PRISONER) litigants may receive Notices of Electronic Filings (NEFS) via email after filing a Consent by Pro Se Litigant (NON-PRISONER) to Receive Notices of Electronic Filing. The consent form is available under the forms section of our website. (amb) (Entered: 10/29/2019)	
1	10/28/2019	COMPLAINT AND DEMAND FOR JURY TRIAL against NCL (Bahamas) Ltd., a Bermuda Corporation. Filing fees $ 400.00 receipt number 113C-12101462, filed by C.W., a minor, by and through her father, natural guardian and next Friend, F.W.. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E, # 6 Civil Cover Sheet, # 7 Summon(s))(Gerson, Nicholas) (Entered: 10/28/2019)	View Add to request

TO ORDER COPIES OF ANY DOCUMENTS LISTED ABOVE, CALL WESTLAW COURTEXPRESS 1-877-DOC-RETR (1-877-362-7387) (Additional Charges Apply)

End of Document

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EXHIBIT E

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 19-22529-CIV-ALTONAGA

MARICELA MATA, *et al.*,

Plaintiffs,

v.

EXPEDIA, INC.; *et al.*,

Defendants.
_____/

ADMINISTRATIVE ORDER CLOSING CASE

THIS CAUSE came before the Court on Agreed Joint Motion of All Parties for the Adjournment of the Jurisdictional Discovery Deadlines, filed on March 13, 2020 [ECF No. 119]. The parties seek a continuance of jurisdictional discovery deadlines because of Coronavirus-related travel restrictions, closure of the Booking Defendants' offices, the Booking Defendants' inability to meet with and prepare their designated Rule 30(b)(6) representatives for their depositions, and Plaintiffs' inability to take those depositions. (*See generally id.*). Given it is impossible to proceed with the orderly progress of the case due to the uncertainty regarding the duration of travel restrictions, and to conserve the parties' and judicial resources, it is

ORDERED AND ADJUDGED that the Clerk of the Court is **DIRECTED** to mark this case **CLOSED** for statistical purposes only. All motions are denied as moot. The Court nonetheless retains jurisdiction, and the case shall be restored to the active docket upon court order following motion of a party advising all parties are ready to proceed and supplying a revised scheduling report for the conclusion of jurisdictional discovery. This Order shall not prejudice the rights of the parties to this litigation.

DONE AND ORDERED in Miami, Florida, this 13th day of March, 2020.

CECILIA M. ALTONAGA
UNITED STATES DISTRICT JUDGE

cc: counsel of record