

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
FLORIDA

Patricia Bisessar v. Carnival Corporation

Bisessar · No. 25-cv-25539-BLOOM/Elfenbein · Decided May 4, 2026

SUMMARY

The United States District Court for the Southern District of Florida granted Carnival Corporation’s motion to dismiss Patricia Bisessar’s maritime negligence claims arising from a trip over a raised threshold aboard the Carnival Horizon. The court held that the complaint did not plead sufficient facts establishing Carnival’s actual or constructive notice of the allegedly dangerous condition. The dismissal was without prejudice, and Plaintiff was granted leave to amend by May 18, 2026.

CASE DETAILS

COURT	United States District Court for the Southern District of Florida
JURISDICTION	United States District Court for the Southern District of Florida
DECIDED	May 4, 2026
DOCKET	25-cv-25539-BLOOM/Elfenbein
DISPOSITION	dismissed
PROCEDURAL POSTURE	Defendant moved under Federal Rule of Civil Procedure 12(b)(6) to dismiss the passenger's maritime negligence complaint for failure to sufficiently plead actual or constructive notice of the alleged dangerous condition.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepts well-pleaded factual allegations as true, draws plausible inferences in favor of the nonmoving party, and disregards legal conclusions couched as factual allegations. The complaint must contain sufficient factual matter to state a plausible claim and raise the right to relief above the speculative level.
PRECEDENTIAL VALUE	Unknown
PARTIES	Patricia Bisessar v. Carnival Corporation, a Panamanian corporation d/b/a Carnival Cruise Lines

TOPICS

- motions to dismiss
- admiralty
- negligence
- duty of care
- civil procedure

PRACTICE AREAS

admiralty

torts

civil procedure

QUESTIONS PRESENTED

1. Whether the complaint sufficiently pleaded that Carnival had actual or constructive notice of the alleged raised threshold or change in elevation to support maritime negligent-maintenance and negligent-failure-to-warn claims.
2. Whether allegations concerning prior incidents on other vessels, Carnival's inspection schedule, and the alleged duration of the condition were sufficiently specific to establish constructive notice at the pleading stage.

HOLDINGS

1. A cruise ship operator's duty to warn or otherwise protect a passenger from an onboard danger arises only when the operator had actual or constructive notice of the unsafe condition; notice is therefore required for both negligent-maintenance and negligent-failure-to-warn claims.
2. The complaint did not adequately plead constructive notice through prior incidents because it did not provide enough facts to determine whether the prior hazards were substantially similar to the alleged condition aboard the Horizon, including details about the vessels, locations, flooring, materials, or character of the conditions.
3. The allegations that the hazard existed long enough to invite corrective measures and that Carnival maintained an inspection schedule were conclusory and lacked sufficient factual detail to establish constructive notice.

KEY QUOTATIONS

“To hold a defendant directly liable for negligence under maritime law, a cruise ship operator only has a duty to warn or otherwise protect a passenger from danger if the operator has “actual or constructive notice of the unsafe condition.”” (III.A)

“The ‘substantial similarity’ doctrine does not require identical circumstances, and allows for some play in the joints depending on the scenario presented and the desired use of the evidence.” (III.A)

“Plaintiff may file an amended complaint that addresses the above deficiencies by May 18, 2026.” (IV)

FACTUAL BACKGROUND

Patricia Bisessar alleged that she was injured on October 30, 2024, while walking on Deck 4 of Carnival's vessel Horizon near the casino. She claimed that she tripped over an unmarked raised threshold or sudden change in elevation and suffered serious shoulder injuries requiring treatment and surgery. She alleged Carnival had actual or constructive notice based on eight prior trip-and-fall cases involving raised thresholds or flooring transitions on other Carnival vessels, an inspection schedule, and the assertion that the condition existed long enough to invite corrective measures.

PROCEDURAL HISTORY

Bisessar sued Carnival Corporation after allegedly tripping on a raised threshold or change in elevation aboard the vessel Horizon. She asserted negligent maintenance and negligent failure-to-warn claims. The district court granted Carnival's motion to dismiss, dismissed the complaint without prejudice, and permitted Plaintiff to file an amended complaint addressing the pleading deficiencies by May 18, 2026.

DISPOSITION

dismissed

CASES CITED

- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Chaparro v. Carnival Corp., 693 F.3d 1333, 1336-37 (11th Cir. 2012)
- Miccosukee Tribe of Indians of Fla. v. S. Everglades Restoration All., 304 F.3d 1076, 1084 (11th Cir. 2002)
- AXA Equitable Life Ins. Co. v. Infinity Fin. Grp., LLC, 608 F. Supp. 2d 1349, 1353 (S.D. Fla. 2009)
- Thaeter v. Palm Beach Cty. Sheriff's Office, 449 F.3d 1342, 1352 (11th Cir. 2006)
- Keefe v. Bahama Cruise Line, Inc., 867 F.2d 1318, 1320, 1322 (11th Cir. 1989)
- Kermarec v. Compagnie Generale Transatlantique, 358 U.S. 625, 628 (1959)
- Everett v. Carnival Cruise Lines, 912 F.2d 1355, 1358 (11th Cir. 1990)
- Smolnikar v. Royal Caribbean Cruises, Ltd., 787 F. Supp. 2d 1308, 1315 (S.D. Fla. 2011)
- Horne v. Carnival Corp., 741 F. App'x 607, 608-610 (11th Cir. 2018)
- Yusko v. NCL (Bah.), 4 F.4th 1164, 1167 (11th Cir. 2021)
- Holland v. Carnival Corp., 50 F.4th 1088, 1095-96 (11th Cir. 2022)
- Guevara v. NCL (Bah.), Ltd., 920 F.3d 710, 720 (11th Cir. 2019)
- Jones v. Elevator Co., 861 F.2d 655, 661-62 (11th Cir. 1988)
- Arouza-Pai v. Carnival Corp., No. 21-CV-23511, 2022 WL 18673999, at *3-4 (S.D. Fla. Dec. 16, 2022)
- Edelman v. MSC Cruises, S.A., 24-cv-23060, 2025 WL 240840, at *5-6 (S.D. Fla. Jan. 17, 2025)
- Bustamante v. Celebrity Cruises, Ltd., No. 1:22-cv-20330-JLK, 2022 WL 16727079, at *2 (S.D. Fla. Nov. 2, 2022)
- Fawcett v. Carnival Corp., 682 F. Supp. 3d 1106, 1110-11 (11th Cir. 2023)
- Cogburn v. Carnival Corp., No. 21-11579, 2022 WL 1215196, at *1, *4-5 (11th Cir. Apr. 25, 2022)
- Brady v. Carnival Corp., 33 F.4th 1278, 1280, 1283 (11th Cir. 2022)
- Donaldson v. Carnival Corp., No. 20-23258-CIV, 2020 WL 6801883, at *3 (S.D. Fla. Nov. 19, 2020)
- Bencomo v. Costa Crociere S.P.A. Co., No. 10-62437-CIV, 2011 WL 13175217, at *3 (S.D. Fla. Nov. 14, 2011)
- Kendall v. Carnival Corp., No. 23-cv-22921-KMM, 2023 WL 8593669, at *3 (S.D. Fla. Dec. 8, 2023)

- *Armbrust v. Carnival Corp.*, No. 1:24-cv-24259, 2025 WL 889360, at *4 (S.D. Fla. Mar. 6, 2025), report and recommendation adopted, 2025 WL 886944 (S.D. Fla. Mar. 21, 2025)

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