

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
FLORIDA

Alexandra DeMaio, on behalf of minors L.D., H.D., and R.D., and
Tara Recine v. Royal Caribbean Group

DeMaio v. Royal Caribbean Group · No. 25-cv-21718-BLOOM/Elfenbein · Decided February 10, 2026

SUMMARY

The United States District Court for the Southern District of Florida addresses Royal Caribbean Group’s motion to dismiss a second amended complaint arising from an alleged incident aboard a cruise ship. The court dismisses the complaint without prejudice as a shotgun pleading and dismisses claims brought by a pro se plaintiff on behalf of her mother and minor children, while permitting amendment. The court grants the motion in part and denies it in part, allowing the plaintiff until March 2, 2026, to file a compliant third amended complaint.

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	February 10, 2026
DOCKET	25-cv-21718-BLOOM/Elfenbein
DISPOSITION	dismissed
PROCEDURAL POSTURE	Defendant moved to dismiss the Second Amended Complaint under Rules 8, 10, and 12(b)(6), and alternatively sought a more definite statement under Rule 12(e). The court granted the motion in part, denied it in part, dismissed the Second Amended Complaint without prejudice, and granted leave to amend.
STANDARD OF REVIEW	On a motion to dismiss, the court accepted the complaint's factual allegations as true, construed the complaint in the light most favorable to the nonmoving party, and evaluated plausible inferences in the plaintiff's favor. The court applied the pleading requirements of Federal Rules of Civil Procedure 8(a)(2) and 10(b), and reviewed the shotgun-pleading issue under non-merits Rule 8 grounds.
PRECEDENTIAL VALUE	unknown

PARTIES

Alexandra DeMaio, Tara Recine, L.D., H.D., R.D. v. Royal Caribbean Group

TOPICS

motions to dismiss

pleadings

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether DeMaio, proceeding pro se, could assert claims on behalf of her mother and minor children.
2. Whether the Second Amended Complaint was an impermissible shotgun pleading under Federal Rules of Civil Procedure 8(a)(2) and 10(b).
3. Whether the false-imprisonment claim should be dismissed under Rule 12(b)(6) or subjected to a more definite statement under Rule 12(e).
4. Whether DeMaio should be granted leave to amend the deficient complaint.

HOLDINGS

1. A pro se litigant may represent only herself and may not assert claims on behalf of another person, including a parent or minor child. Parents may sue on behalf of minors under Rule 17(c), but may not serve as the minors' legal counsel.
2. A complaint is subject to dismissal under Rule 8 when it combines separate theories and claims in a manner that fails to give the defendant adequate notice of the claims and the grounds on which each rests.
3. The false-imprisonment claim was dismissed on shotgun-pleading grounds rather than under Rule 12(b)(6), and the court did not decide whether the allegations substantively stated a false-imprisonment claim.
4. A pro se plaintiff must generally be given an opportunity to amend when a more carefully drafted complaint might state a claim, absent a recognized reason to deny leave.

KEY QUOTATIONS

“Because the SAC fails to comply with Rules 8(a)(2) and 10(b), the SAC does not provide Royal Caribbean with “adequate notice of the claims against [it] and the grounds upon which each claim rests.”” (Section III.B)

“Plaintiff’s Second Amended Complaint, ECF No. [28], is DISMISSED WITHOUT PREJUDICE.”
(Conclusion ¶¶ 2-4)

FACTUAL BACKGROUND

Plaintiffs alleged that DeMaio, Recine, and DeMaio's three minor children were passengers aboard Royal Caribbean's vessel *Mariner of the Seas*. After DeMaio reported an alleged voyeurism incident involving one child, Royal Caribbean employees entered and restricted movement within DeMaio's cabin, later moved her to a confinement cabin, and allegedly failed to timely provide requested necessities and medical assistance. DeMaio remained in the confinement cabin for approximately 24 hours before the family ended the cruise early in Mexico. The Second Amended Complaint asserted negligence, false imprisonment, and intentional infliction of emotional distress.

PROCEDURAL HISTORY

DeMaio filed the initial complaint on April 14, 2025; it was dismissed without prejudice for failure to timely serve Royal Caribbean. She filed a First Amended Complaint on July 28, 2025, and the operative Second Amended Complaint on September 23, 2025. The court denied leave to file a Third Amended Complaint that had been filed without authorization, but in this order permitted another amendment to cure the identified deficiencies.

DISPOSITION

dismissed

CASES CITED

- *Tannenbaum v. United States*, 148 F.3d 1262, 1263 (11th Cir. 1998)
- *Procup v. Strickland*, 760 F.3d 1107, 1115 (11th Cir. 1985)
- *Jarzynka v. St. Thomas University of Law*, 310 F. Supp. 2d 1256, 1264 (S.D. Fla. 2004)
- *Brinson v. Colon*, 2012 WL 1028878, at *1 (S.D. Ga. Mar. 26, 2012)
- *Sanders v. United States*, 2009 WL 121636, at *3 (N.D. Ga. Jan. 22, 2009)
- *FuQua v. Massey*, 615 F. App'x 611, 612 (11th Cir. 2015)
- *Devine v. Indian River County School Board*, 121 F.3d 576, 581 (11th Cir. 1997)
- *Winkelman ex rel. Winkelman v. Parma City School District*, 550 U.S. 516 (2007)
- *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555, 557 (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 Florida v. South Everglades Restoration Alliance*, 304 F.3d 1076, 1084 (11th Cir. 2002)
- *AXA Equitable Life Insurance Co. v. Infinity Financial Group, LLC*, 608 F. Supp. 2d 1349, 1353 (S.D. Fla. 2009)
- *Lampkin-Asam v. Volusia County School Board*, 261 F. App'x 274, 277 (11th Cir. 2008)
- *Byrne v. Nezhat*, 261 F.3d 1075, 1128-29 (11th Cir. 2001)
- *Jackson v. Bank of America, N.A.*, 898 F.3d 1348, 1356 (11th Cir. 2018)
- *Cramer v. Florida*, 117 F.3d 1258, 1263 (11th Cir. 1997)

- B.L.E. v. Georgia, 335 F. App'x 962, 963 (11th Cir. 2009)
- Weiland v. Palm Beach County Sheriff's Office, 792 F.3d 1313, 1321-23 (11th Cir. 2015)
- Foman v. Davis, 371 U.S. 178, 182 (1962)
- Hollis v. W. Academy Charter, Inc., 782 F. App'x 951, 955 (11th Cir. 2019)
- Bryant v. Dupree, 252 F.3d 1161, 1163 (11th Cir. 2001)
- Keefe v. Bahama Cruise Line, Inc., 867 F.2d 1318, 1320 (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)
- Daigle v. Point Landing, Inc., 616 F.2d 825, 827 (5th Cir. 1980)
- Vibe Micro, Inc. v. Shabanets, 878 F.3d 1291, 1296 (11th Cir. 2018)

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