

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
FLORIDA

**Tyree Jackson, as father and natural guardian of minor T.J. v.
Carnival Corporation d/b/a Carnival Cruise Line, a Panamanian
Corporation**

Jackson v. Carnival Corp. · No. 1:24-cv-22770-GAYLES/REID · Decided February 24, 2026

SUMMARY

This Report and Recommendation addresses Carnival Corporation’s motion for summary judgment in a maritime personal-injury action arising from a minor’s slip-and-fall on a cruise ship pool deck. The court recommends denying summary judgment because genuine disputes remain regarding the existence of an unreasonably slippery condition, whether the danger was open and obvious, and Carnival’s actual or constructive notice.

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 24, 2026
DOCKET	1:24-cv-22770-GAYLES/REID
DISPOSITION	other
PROCEDURAL POSTURE	Report and recommendation on Defendant's motion for summary judgment in a maritime personal-injury action.
STANDARD OF REVIEW	Summary judgment is proper only when there is no genuine dispute of material fact and the movant is entitled to judgment as a matter of law. The evidence and reasonable inferences must be viewed in the light most favorable to the nonmoving party; credibility determinations, weighing evidence, and drawing legitimate inferences are jury functions.
PRECEDENTIAL VALUE	nonprecedential_report_and_recommendation
PARTIES	Tyree Jackson, as father and natural guardian of minor T.J. v. Carnival Corporation d/b/a Carnival Cruise Line, a Panamanian Corporation

TOPICS

admiralty

personal injury

premises liability

negligence

summary judgment

PRACTICE AREAS

admiralty and maritime law

personal injury

premises liability

negligence

civil procedure

QUESTIONS PRESENTED

1. Whether the record contained sufficient evidence to create a genuine dispute that an unreasonably slippery pool-deck condition existed and caused T.J.'s fall.
2. Whether the alleged unreasonable slipperiness of the pool deck was open and obvious so as to eliminate or defeat Carnival's duty to warn.
3. Whether Carnival had actual or constructive notice that the pool deck could become unreasonably slippery when wet.
4. Whether T.J.'s manner of descending from the pool coping presented an undisputed open-and-obvious danger or was a contributing cause that entitled Carnival to summary judgment.

HOLDINGS

1. The evidence, viewed in Plaintiff's favor, created a genuine dispute of material fact as to whether water caused the pool deck to become unreasonably slippery and caused T.J.'s fall; therefore summary judgment was not warranted on that ground.
2. Although wetness around a pool may be open and obvious, the alleged unreasonable slipperiness of the pool deck was not established as open and obvious as a matter of law. The evidence therefore created a factual dispute precluding summary judgment on the failure-to-warn theory.
3. The record contained sufficient evidence to create a genuine dispute regarding Carnival's actual or constructive notice that the Deck 16 pool deck could become unreasonably slippery when wet.
4. Whether T.J. jumped or stepped from the raised coping, and whether that conduct contributed to the injury, were factual questions for the jury and did not support summary judgment.

KEY QUOTATIONS

“A cruise-ship operator ‘is not liable to passengers as an insurer, but only for its negligence.’” (Section III.A)

“Wetness is not the same thing as unreasonable slipperiness, despite Defendant’s apparent argument to the contrary.” (Section III.C)

“*THEREFORE, for the foregoing reasons, it is hereby RECOMMENDED that Defendant’s Motion for Summary Judgment [ECF No. 90] be DENIED.*” (Section IV)

FACTUAL BACKGROUND

Minor T.J. was injured on July 23, 2023, while exiting a pool on Deck 16 of Carnival's cruise ship Mardi Gras. CCTV footage showed her climbing onto and descending from raised pool coping before slipping and falling

backward on the pool deck. Plaintiff alleged that the deck was unreasonably slippery because of water, that Carnival knew or should have known of the condition, and that Carnival failed to correct or warn of it. The record included testimony about routinely wet and slippery pool decking, caution signs and mopping practices, expert coefficient-of-friction testing, and other slip-and-fall incidents on the same or similar deck surfaces.

PROCEDURAL HISTORY

Plaintiff filed suit on July 19, 2024, asserting three negligence counts arising from T.J.'s slip-and-fall injury aboard Carnival's cruise ship. Carnival moved for summary judgment on the grounds that no dangerous condition was shown, the condition was open and obvious, and Carnival lacked actual or constructive notice. The magistrate judge recommended denial of the motion and advised that objections be filed within fourteen days for de novo review by the assigned district judge.

DISPOSITION

other

CASES CITED

- Celotex Corp. v. Catrett, 477 U.S. 317, 322 (1986)
- Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 248, 255 (1986)
- Mann v. Taser Int'l, Inc., 588 F.3d 1291, 1303 (11th Cir. 2009)
- Cordoba v. Dillard's, Inc., 419 F.3d 1169, 1181 (11th Cir. 2005)
- Clark v. Coats & Clark, Inc., 929 F.2d 604, 608 (11th Cir. 1991)
- Denney v. City of Albany, 247 F.3d 1172, 1181 (11th Cir. 2001)
- Bailey v. Allgas, Inc., 284 F.3d 1237, 1243 (11th Cir. 2002)
- Miranda v. B & B Cash Grocery Store, Inc., 975 F.2d 1518, 1534 (11th Cir. 1992)
- Matsushita Elec. Indus. Co. v. Zenith Radio Corp., 475 U.S. 574, 587 (1986)
- Tang v. NCL (Bahamas) Ltd., 472 F. Supp. 3d 1227, 1229 (S.D. Fla. 2020)
- Guevara v. NCL (Bahamas) Ltd., 920 F.3d 710, 720-21 (11th Cir. 2019)
- Keefe v. Bahama Cruise Line, Inc., 867 F.2d 1318, 1320-22 (11th Cir. 1989)
- Chaparro v. Carnival Corp., 693 F.3d 1333, 1336 (11th Cir. 2012)
- Daigle v. Point Landing, Inc., 616 F.2d 825, 827 (5th Cir. 1980)
- Isbell v. Carnival Corp., 462 F. Supp. 2d 1232, 1236-37 (S.D. Fla. 2006)
- D'Antonio v. Royal Caribbean Cruise Line, Ltd., 785 F. App'x 794, 796-97 (11th Cir. 2019)
- Miller v. NCL (Bahamas) Ltd., 2016 WL 4809347, at *4 (S.D. Fla. Apr. 6, 2016)
- Sorrels v. NCL (Bahamas) Ltd., 796 F.3d 1275, 1279, 1287, 1289-90 (11th Cir. 2015)
- Tesoriero v. Carnival Corp., 965 F.3d 1170, 1178 (11th Cir. 2020)
- Stewart v. Carnival Corp., 365 F. Supp. 3d 1272, 1274-75 (S.D. Fla. 2019)
- Reinhardt v. Royal Caribbean Cruises, Ltd., 2013 WL 11261341, at *4 (S.D. Fla. Apr. 2, 2013)
- Lebron v. Royal Caribbean Cruises Ltd., 818 F. App'x 918, 920 (11th Cir. 2020)

- Jones v. Otis Elevator Co., 861 F.2d 655, 661-62 (11th Cir. 1988)
- Wiegand v. Royal Caribbean Cruises Ltd., 2023 WL 4445948, at *2 (11th Cir. July 11, 2023)
- Yusko v. NCL (Bahamas), Ltd., 4 F.4th 1164, 1170 (11th Cir. 2021)
- Hostert v. Carnival Corp., 2024 WL 68292, at *2 (S.D. Fla. Jan. 5, 2024)
- Shellman v. Feys, II, Inc., 2006 WL 8435535, at *4 (S.D. Ga. Jan. 25, 2006)
- Feliciano v. City of Miami Beach, 707 F.3d 1244, 1253 (11th Cir. 2013)
- United States v. Stein, 881 F.3d 853, 857 (11th Cir. 2018)
- Andersen v. Royal Caribbean Cruises Ltd., 543 F. Supp. 3d 1346, 1355 (S.D. Fla. 2021)
- Smith v. Royal Caribbean Cruises, Ltd., 620 F. App'x 727, 730 (11th Cir. 2015)
- Lancaster v. Carnival Corp., 85 F. Supp. 3d 1341, 1344 (S.D. Fla. 2015)
- Frasca v. NCL (Bahamas) Ltd., 654 F. App'x 949, 952-53 (11th Cir. 2016)
- Petersen v. NCL (Bahamas) Ltd., 748 F. App'x 246, 250-51 (11th Cir. 2018)
- SIS, LLC v. Stoneridge Holdings, Inc., 2020 WL 4903992, at *5 (N.D. Ga. Aug. 20, 2020)
- Mendel v. Royal Caribbean, 2012 WL 2367853, at *4-5 (S.D. Fla. June 21, 2012)
- Cosmo v. Carnival Corp., 272 F. Supp. 3d 1336, 1341, 1343-44 (S.D. Fla. 2017)
- Merideth v. Carnival Corp., 49 F. Supp. 3d 1090, 1094-95 (S.D. Fla. 2014)
- Diego v. MSC Cruises, S.A., 2024 WL 2880699, at *8 (S.D. Fla. June 6, 2024)
- Plott v. NCL Am., LLC, 786 F. App'x 199, 203 (11th Cir. 2019)
- Carroll v. Carnival Corp., 955 F.3d 1260, 1265 (11th Cir. 2020)
- Worley v. Carnival Corp., 2023 WL 1833840, at *9 (S.D. Fla. Feb. 1, 2023)
- Saliba v. Hillstone Rest. Grp. Inc., 2023 WL 9468264, at *3 (M.D. Fla. Dec. 14, 2023)
- Thomas v. Arn, 474 U.S. 140, 149 (1985)
- Henley v. Johnson, 885 F.2d 790, 794 (11th Cir. 1989)