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Appeals Court Upholds \$1 Million Award for Alleged Rape Victim

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MIAMI – A federal appeals court has upheld a \$1 million jury award for a woman who accused her waiter on a Celebrity Cruises ship of sexual battery.

The woman, who was not named in the lawsuit, claimed that the waiter sexually assaulted her in a park near the docked Zenith while she was a passenger traveling from New York to Bermuda. The suit alleged that the ship's medical staff treated her and flew her home from Bermuda on July 21, 1999.

She sued for negligence, sexual assault and sexual battery. A jury in November 2002 awarded the woman \$1 million for her claim of sexually battery.

In its 59-page opinion, the 11th U.S. Circuit Court of Appeals in Atlanta wrote Wednesday that “we conclude that the defendants owe a non-delegable duty to protect their passengers from crew member assaults and thereby safely transport their cruise passengers.”

The jury award is expected to be split among four defendants, including Zenith Shipping Corp. and Celebrity Cruises, which is owned by Royal Caribbean Cruises Ltd.

Attorneys for the woman and the defendants did not return phone calls Thursday. Royal Caribbean spokesman Michael Sheehan said the company's attorneys were reviewing the lengthy decision and considering their options to appeal.

In addition to affirming the jury's verdict, the appeals court remanded the case to the district court to enter final judgment on the verdict.

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