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Carnival Corporation v. Darce Carlisle

WITH THAT I WOULD LIKE TO CALL THE NEXT CASE, WHICH IS CARNIVAL CORPORATION V ERSUS DA RCE CARLISLE. ARE YOU READY?

GO OD MORN ING. MAY IT PLEASE THE COURT. MY NAME IS RODOLFO SORONDO WITH HOLLAND & KNIGHT WITH ME IS MY CO-COUNSEL . WE ARE HERE BY A CERTIFIED QUESTION FROM THE THIRD DISTRICT COURT OF APPEAL AND THE QU ESTION READS WHETHER A C RUSE LINE IS VICARIOUS LY LIABLE FOR THE ACTION OF AMEDICAL DO CTOR CON DUKTED ONA SHIP'S PASSENGER.

CHIEF JUSTICE: CONDUCTED ON A SHIP'S PASSENGER.

CHIEF JUSTICE: WE ARE HERE NOT AS A JUDI CIAL COURT BUT FOLLOWING MARITIME LAW A S TO WHAT OUR OWN V I EW OF THE BEST POLICY IS .

WE ARE NOT HERE ON THE CERTIFIED QUESTION. THIS IS THE ONE THAT THE THIRD DISTRICT CERTIFIED. WE ASKED THAT T HERE BE JURISDICTION AND WHETHER THE COURT HAS JURISDICTION TO OVERTURN A SUBSTANTIVE ISSUE OF MARI TIME LAW THAT HAS BEEN SETT LED. THE THIRD DISTRICT CERTIFIED THIS ONE, AND I SUSPECT THEY WERE CONCERNED THAT THIS COURT MIGHT HAVE CONCERNED THAT THEY HAD NOT DIRECTLY PASSED ON THE QUESTION THAT WE HAD SUG GESTED , ALTHOUGH CLEARLY IT I S IMPLICIT IN THE QUESTION THAT THEY HAVE DECIDED THIS ISSUE , BECAUSE THEY ANSWERED IT SUBSTANTIVELY .

WAS THE SUBJECT RAISED BEFORE THE THIRD DISTRICT AS TO WHETHER OR NOT THEY HAD JURISDICTION TO HEAR IT?

THE ISSUE , JUDGE, IS, REALLY , A SI STER I

THE ISH A S 26789 ERI IS, REALLY , A ST ERI DECISIC ISSUE.

BUT THIS ISSUE IS A CASE THAT YOU WANT TO HEAR THE ISSUE.

Y ES. I DON'T THIN K I AM TO BE SO PRESUMPTION TO STAND BEFORE THE COURT AND SAY YOU ARE STERI DECISIS.

IT IS THE THIRD DISTRICT ACTUALLY RELI ED ON A CASE F ROM A DISTRICT COURT THAT IS CONTRA RY TO WHAT YOU SAY IS THE SETTLED MARITIME LAW IN IN THIS ISSUE .

OBVIOUSLY THE B ODY OF LAW THAT WE HAVE PRESENTED TO THIS COURT AND TO THE THIRD DISTRICT GOES BACK TO 1887 , AND EV ERY COURT SAVE ONE AT THE TIME THAT THE THIRDDISTRICT HEARD THIS CASE HAD, RULED IN THE MANNER THAT IS NOW CONSID ERED OR REFERRED TO AS THE BARBETER RULE, WHICH IS THE F I FTH CIRCUIT CASE IN 1988, AND THAT IS THE THAT THE SHIP'S O WNER IS NOT VICARIOUS LY LIABLE FOR THE M EDICAL NEGLIGENCE OF THE SHIP BOARD PHYSICIAN. THE SOLE PO SITION WAS A CASE CALLED NIETEZ. MY CO-COU NSEL HAS CHARACTERIZED THAT OPINION AS BEING THE OPINION FOR THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA. IT IS A SI NGLE DISTRICT OPINION . THESE DISTRICT S DO NOT S PEAK AS ONE FOR THIS COURT .

