

## **SECTION I ATTACHMENTS**

**Reporting of Cruise Ships Crimes**

**and**

**FBI record of convictions for  
“Crimes on the High Sea”**

## Cruise Critic Crime Ship Survey 05/16/08

<http://www.cruisecritic.com/features/articles.cfm?ID=241>

Members Speak Out: Are Cruise Ships Safe?

*Last Updated: 05/16/08*

*Survey of 1700 individual that have taken cruises*

Have you ever been affected by crime, minor or major, on a cruise ship?

★ 10 percent said yes, 90 percent said no.

CASE NO.: 05-17335 CA 01

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**MEMORANDUM OF LAW****I. Count I - Fraudulent Concealment**

The "fraudulent concealment" claim is premised on RCCL's alleged failure to timely investigate Merrian Carver's disappearance and RCCL's failure to provide certain information to Plaintiffs and other third parties following her disappearance. Plaintiffs allege that RCCL failed "to investigate the disappearance of a passenger and to report the disappearance to the emergency contact listed by said passenger," or, "to timely notify the passenger's next of kin and the appropriate law enforcement personnel." Further, they allege that RCCL had a duty to the family members of Merrian Carver "to provide all relevant, material and wholly truthful information."

These statements are legally invalid. There is no court of law that has recognized the legal duties contrived by Plaintiffs in this Complaint. In fact, courts have specifically held that no duty to investigate exists. See *Doe v. Celebrity*, 145 F. Supp. 2d 1337 (S.D. Fla. 2001); *York v. Commodore Cruise Line, Ltd.*, 863 F.Supp. 159 (S.D.N.Y. 1994). The only duty owed by a ship owner to a passenger is that of reasonable care under the circumstances. *Kermarec v. Compagnie Generale Transatlantique*, 358 U.S. 625, 79 S.Ct. 406, 410 (1959). Moreover, a cruise ship operator owes no duty, whether to disclose information or otherwise, to third parties such as the Plaintiffs herein. Absent a duty to disclose, there can be no claim for "fraudulent concealment."

**II. Count II - Intentional Infliction of Emotional Distress**

The claim for Intentional Infliction of Emotional Distress simply re-alleges multiple paragraphs from the prior count, for fraudulent concealment. This cannot form the basis of a claim, as the practice of incorporating the allegations of prior counts into succeeding counts is prohibited under Florida law.

**Kendall Carver**

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From: MSheehan@rccl.com [mailto:MSheehan@rccl.com]  
Subject: Royal Caribbean responses

7. Royal Caribbean's frequent defense is that there is no duty to investigate crimes and no duty to assist families with investigations. Moreover, there are several examples of when the cruise line has denied information - including employee names, security tapes, etc. - to families.

Please reconcile those actions with comments from Richard Fain in the annual report and other public statements from spokespersons that Royal Caribbean responds to victims with honor and compassion.

A. We take very seriously our duty to reports alleged crimes to law enforcement agencies. However, we are not a law enforcement agency and do not have the technical expertise of a crime laboratory. For these reasons it is our policy to report all allegations of crime to the FBI and other appropriate law enforcement agencies for their professional investigation. We cooperate fully with all law enforcement agencies, giving them unrestricted access to our ships, guests and crew members, and allowing them to sail with us as they continue any onboard investigation. In fact, our Senior Vice President of Global Security is a former senior official with the FBI, which further assists us in interacting with various law enforcement authorities.

Our approach has always been to provide full access to all information to the FBI and other investigating law enforcement agencies. We then work in coordination with the involved law enforcement agencies to determine what information should be released to a person making an allegation, the accused, and their lawyers.

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Royal Caribbean Cruises Ltd.  
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## FBI Report of "Crimes on the High Seas"

| FY          | Cases | Jurisdiction  | Complaints | Informations | Indictments | Arrests | Convictions/<br>Sentencings |
|-------------|-------|---------------|------------|--------------|-------------|---------|-----------------------------|
| FY<br>2006* | 46    | Federal       | 6          | 1            | 6           | 6       | 3/2                         |
|             |       | International | 0          | 0            | 1           | 1       | 1/1                         |
|             |       | Local         | 0          | 10           | 0           | 10      | 0/0                         |
| FY<br>2005  | 41    | Federal       | 4          | 0            | 7           | 7       | 2/2                         |
|             |       | International | 0          | 0            | 0           | 0       | 2/2                         |
| FY<br>2004  | 51    | Federal       | 6          | 3            | 3           | 11      | 10/8                        |
|             |       | Local         | 1          | 0            | 0           | 1       | 0/0                         |
| FY<br>2003  | 52    | Federal       | 8          | 3            | 5           | 8       | 13/14                       |
|             |       | International | 11         | 0            | 0           | 11      | 0/0                         |

\*08/16/06



## **International Cruise Victims Association, Inc.**

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April 21, 2008

Chairman Elijah Cummings  
Subcommittee on Coast Guard  
And Maritime Transportation  
2235 Rayburn Building  
Washington, DC 20515

Dear Chairman Cummings:

In the CLIA report sent to you on December 19, 2007, the assertion is made three times that the FBI presented testimony in their September report to the congressional committee that the crime rate for the cruise ship industry was only .01%. In addition to making this statement to your committee, they also made the same statement to legislators in California that are considering legislation regarding the cruise ship industry.

For your review, I'm attaching the various written statements which they made to your committee and to the California legislators along with my letter to the FBI.

In the belief that this statement was not made by the FBI, on March 18<sup>th</sup> I communicated directly with the FBI regarding this assertion made by CLIA regarding crime rates. Attached to this letter you will find the response which I received from the FBI indicating, in fact, that no such statement was made by them regarding crime rates. In effect, the statement made to your committee and to legislators in California was clearly designed to misrepresent the crime rates on cruise ships as extremely low, therefore, insinuating that there is no reason for legislation.

I felt that this was most important and that you should be aware of the fact that this material was clearly factually inaccurate. We were frankly surprised that CLIA would attempt to communicate such an inaccurate statement to your committee.

Very sincerely yours,

Kendall Carver  
President  
International Cruise Victims



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D. C. 20535-0001

April 4, 2008

Mr. Kendall Carver  
704 228th Avenue NE - PMB525  
Sammamish, WA 98074

Dear Mr. Carver:

Reference is made to your letter of March 18, 2008, in which you expressed concern with statistical information submitted by the Cruise Lines International Association (CLIA) to Senator Joe Simitian, Chair of the Senate Environmental Quality Committee, in opposition to Senate Bill 1582, pertaining to crime rate data on cruise ships.

The CLIA statement to which you refer attributes statistical data to the FBI reportedly based on Congressional testimony given by Deputy Assistant Director Hernandez on September 19, 2007 before the Subcommittee on Coast Guard and Maritime Transportation. Please be advised that the FBI did not submit nor testify before the Subcommittee in regards to the statistical data reported by CLIA.

In preparation for referenced testimony, the FBI reported to the Subcommittee that between April 01, 2007, and August 24, 2007, 207 criminal incidents were voluntarily reported to the FBI by CLIA. The FBI did not present an interpretation of this data to the Subcommittee.

Thank you for bringing this matter to our attention and please be aware that the FBI will also provide this clarification to CLIA.

Sincerely,

Thomas A. Nunemaker  
Section Chief  
Criminal Investigative Division