Planning a vacation? Please consider, among other things, your planned destination and the incidence of criminal activity and terrorist acts in the local environment as well as the nature and type of accidents which tourists have previously sustained running the spectrum from wrongful death to slip, trips and
falls. This is the second year that we have posted dangerous
destination information collected from news articles and reported
law cases. The information is categorized by region, types of
accidents and by country and includes some discussions about
liability theories, personal jurisdiction, forum non conveniens
and choice of law. Included in these misadventures is a section
on Behaving Yourself while abroad and being arrested for failing
to respect local customs and traditions.

THE CARIBBEAN

The Caribbean is a very popular destination for United States citizens and others arriving by cruise ship or aircraft.
There are many tourist accidents in the Caribbean some of which involve criminal activity.

[I] WRONGFUL DEATH

Wrongful death claims have arisen from accidents occurring in Antigua, Aruba, Bahamas, Bermuda, British Virgin Islands,
Cuba, Dominica, Dominican Republic, Great Shrimp Cay, Jamaica,
Martinique, Nassau, Puerto Rico, St. Maarten, St. Thomas,
Trinidad & Tabago and Turks and Caicos Islands.
[II] **ASSAULTS, ROBBERIES & TERRORISM**

Robberies and assaults are quite common in the Caribbean have taken place in the Bahamas, Barbados, Cayman Islands, Jamaica, Puerto Rico, St. Kitts, St. Lucia and St. Thomas.

[III] **RAPES, SEXUAL ASSAULTS & KIDNAPING**

Rapes, sexual assaults and child molestations have taken place in Bahamas, Barbados, British West Indies, Cayman Islands, Jamaica, St. Thomas and Turks and Caicos.

[IV] **WATER SPORTS**

Accidents involving water sports have taken place in Aruba, Bahamas, British Virgin Islands, Cayman Islands, Cuba, Dominica, Dominican Republic, Grenada, Jamaica, Netherlands Antilles, Puerto Rico, St. Lucia, Turks & Caicos and U.S. Virgin Islands.

[V] **SLIP & FALLS & VARIOUS OTHER INJURIES**

Slips, trips, falls and various other injuries have taken place in Antigua, Aruba, Bahamas, Barbados, Bermuda,
British Virgin Islands\textsuperscript{54}, Dominican Republic\textsuperscript{55}, Haiti\textsuperscript{56}, Jamaica\textsuperscript{57}, Puerto Rico\textsuperscript{58}, St. Kitts\textsuperscript{59} and St. Thomas\textsuperscript{60}.

\section*{VI RIDING, VIEWING AND BEING ATTACKED BY ANIMALS}

Accidents involving animals have taken place in the Bahamas\textsuperscript{61}, Jamaica\textsuperscript{62}, Nassau\textsuperscript{63} and Puerto Rico\textsuperscript{64}.

\section*{VII TRANSPORTATION}

Transportation accidents have taken place in the Bahamas\textsuperscript{65}, Bimini\textsuperscript{66}, Dominica\textsuperscript{67}, Dominican Republic\textsuperscript{68}, Jamaica\textsuperscript{69}, St. Lucia\textsuperscript{70}, St. Maarten\textsuperscript{71}, St. Thomas\textsuperscript{72}, Trinidad\textsuperscript{73} and the U.S. Virgin Islands\textsuperscript{74}.

\section*{VIII DISEASE, FOOD POISONING & MEDICAL MALPRACTICE}

Tourists are well advised not to rely on foreign clinics and medical professionals when a physical injury occurs. The best course of action for an injured tourist is to return to the U.S. as fast as possible for medical care. Medical malpractice and the contraction of disease has taken place in the Bahamas\textsuperscript{75}, Dominican Republic\textsuperscript{76}, Netherlands Antilles\textsuperscript{77} and Puerto Rico\textsuperscript{78}. 

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Destinations in Central and South America generate accidents similar to those in the Caribbean. Mexico, in particular, has invested extraordinary sums in developing many beach destinations on both coasts and as a result has the highest number of travel accidents in this region.

[I] WRONGFUL DEATH

Accidents involving wrongful death have taken place in Belize, Brazil, Canada, Chile, Columbia, Costa Rica, Honduras, Mexico, Panama, Peru and Venezuela.

[II] ASSAULTS, ROBBERIES & TERRORISM

Assaults and robberies have taken place in Ecuador, Mexico, Peru and Belize.

[III] RAPES, SEXUAL ASSAULTS & KIDNAPING

Rapes and sexual assaults have taken place in Brazil, the Galapagos Islands and Mexico.
[IV] WATER SPORTS

Accidents involving water sports have taken place in Canada\textsuperscript{97}, Costa Rica\textsuperscript{98} and Mexico\textsuperscript{99}.

[V] SLIP & FALLS AND VARIOUS OTHER ACCIDENTS

Accidents involving major and minor injuries have taken place in Argentina\textsuperscript{100}, Belize\textsuperscript{101}, Brazil\textsuperscript{102}, Canada\textsuperscript{103}, Costa Rica\textsuperscript{104}, Ecuador\textsuperscript{105}, Mexico\textsuperscript{106} and Peru\textsuperscript{107}.

[VI] RIDING, VIEWING & BEING ATTACKED BY ANIMALS

Accidents involving animals have taken place in Brazil\textsuperscript{108}, Canada\textsuperscript{109} and Mexico\textsuperscript{110}.

[VII] TRANSPORTATION

Transportation accidents have taken place in Bolivia\textsuperscript{111}, Canada\textsuperscript{112}, Costa Rica\textsuperscript{113}, Mexico\textsuperscript{114} and Virgin Islands\textsuperscript{115}.

[VIII] DISEASE, FOOD POISONING & MEDICAL MALPRACTICE

Medical malpractice and the contraction of diseases have
taken place in Belize\textsuperscript{116}, Costa Rica\textsuperscript{117} and Mexico\textsuperscript{118},

AFRICA, MIDDLE EAST, ASIA & THE PACIFIC

Africa, Asia, The Middle East and the Pacific nations are attracting ever greater numbers of tourists while at the same time attracting terrorists, pirates and very scary diseases like Ebola.

[I] WRONGFUL DEATH

Travel accidents involving wrongful death have taken place in Afghanistan\textsuperscript{119}, Algeria\textsuperscript{120}, Australia\textsuperscript{121}, Bali\textsuperscript{122}, Bangladesh\textsuperscript{123}, Botswana\textsuperscript{124}, Cameroon\textsuperscript{125}; China\textsuperscript{126}, Congo\textsuperscript{127}, East Java\textsuperscript{128}, Egypt\textsuperscript{129}, French Polynesia\textsuperscript{130}, Ghana\textsuperscript{131}, Hong Kong\textsuperscript{132}, India\textsuperscript{133}, Jordan\textsuperscript{134}, Kenya\textsuperscript{135}, Laos\textsuperscript{136}, Malaysia\textsuperscript{137}, Maldives\textsuperscript{138}, Mali\textsuperscript{139}, Nepal\textsuperscript{140}, New Zealand\textsuperscript{141}, Nigeria\textsuperscript{142}, North Korea\textsuperscript{143}; Pakistan\textsuperscript{144}, Philippines\textsuperscript{145}, Red Sea\textsuperscript{146}, South Africa\textsuperscript{147}, South Korea\textsuperscript{148}, Sudan\textsuperscript{149}, Taiwan\textsuperscript{150}, Tanzania\textsuperscript{151}, Tibet\textsuperscript{152}, Thailand\textsuperscript{153}, Turkey\textsuperscript{154}, Uganda\textsuperscript{155} and Yemen\textsuperscript{156}.

[II] ASSAULTS, ROBBERIES & TERRORISM

Assaults and robberies have taken place in Afghanistan\textsuperscript{157}, Algeria\textsuperscript{158}, Australia\textsuperscript{159}, Bali\textsuperscript{160}, China\textsuperscript{161}, Dubai\textsuperscript{162}, Egypt\textsuperscript{163},

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Ethiopia\textsuperscript{164}, Fiji\textsuperscript{165}, India\textsuperscript{166}, Israel\textsuperscript{167}, Kenya\textsuperscript{168}, Libya\textsuperscript{169}, Malaysia\textsuperscript{170}, Mali\textsuperscript{171}, Mozambique\textsuperscript{172}, Nigeria\textsuperscript{173}, Pakistan\textsuperscript{174}, South Africa\textsuperscript{175}, Tanzania\textsuperscript{176}, Thailand\textsuperscript{177}, Tunisia\textsuperscript{178}, Turkey\textsuperscript{179}, Uzbekistan\textsuperscript{180}, Vietnam\textsuperscript{181}, Zaire\textsuperscript{182}, Zanzibar\textsuperscript{183}, Zimbabwe\textsuperscript{184} and the Indian Ocean waters off the coast of Somalia\textsuperscript{185}.

[III] **RAPES, SEXUAL ASSAULTS, KIDNAPING & PIRACY**

Rapes and sexual assaults have taken place in Dubai\textsuperscript{186}, Egypt\textsuperscript{187}, India\textsuperscript{188}, Israel\textsuperscript{189}, Malaysia\textsuperscript{190} and Thailand\textsuperscript{191}. Kidnaping and piracy continue to be a problem in this region\textsuperscript{192}.

[IV] **WATER SPORTS**

Accidents involving water sports have taken place in China\textsuperscript{193}, Fiji\textsuperscript{194}, Gabon\textsuperscript{195}, Guam\textsuperscript{196}, Hong Kong\textsuperscript{197}, Indonesia\textsuperscript{198}, Laos\textsuperscript{199}, Northern Mariana Islands\textsuperscript{200}, Tahiti\textsuperscript{201}, Taiwan\textsuperscript{202} and Thailand\textsuperscript{203}.

[V] **SLIP & FALLS AND VARIOUS OTHER ACCIDENTS**

Slips, trips and falls and various other injuries have taken place in China\textsuperscript{204}, Egypt\textsuperscript{205}, Fiji\textsuperscript{206}, Hong Kong\textsuperscript{207}, Indonesia\textsuperscript{208}, Israel\textsuperscript{209}, Japan\textsuperscript{210}, Jordan\textsuperscript{211}, Kenya\textsuperscript{212}, Northern Mariana Islands\textsuperscript{213}, Philippines\textsuperscript{214}, South Africa\textsuperscript{215}, Tanzania\textsuperscript{216} and Wake Island\textsuperscript{217}.
[VI] RIDING, VIEWING AND BEING ATTACKED BY ANIMALS

Accidents involving animals have taken place in Australia\textsuperscript{218}, Egypt\textsuperscript{219}, Namibia\textsuperscript{220}, South Africa\textsuperscript{221}, Sri Lanka\textsuperscript{222}, and Thailand\textsuperscript{223}.

[VII] TRANSPORTATION

Transportation accidents have taken place in, Australia\textsuperscript{224}, Bali\textsuperscript{225}, Bangladesh\textsuperscript{226}, China\textsuperscript{227}, Congo\textsuperscript{228}, Egypt\textsuperscript{229}, Fiji\textsuperscript{230}, French Polynesia\textsuperscript{231}, Gabon\textsuperscript{232}, Ghana\textsuperscript{233}, India\textsuperscript{234}, Jordan, Kenya\textsuperscript{235}, Macau\textsuperscript{236}, Malaysia\textsuperscript{237}, Malawi\textsuperscript{238}, Morocco\textsuperscript{239}, Myanmar\textsuperscript{240}, Nepal\textsuperscript{241}, New Zealand\textsuperscript{242}, South Africa\textsuperscript{243}, South Korea\textsuperscript{244}, Sudan\textsuperscript{245}, Taiwan\textsuperscript{246}, Tanzania\textsuperscript{247}, Thailand\textsuperscript{248} and Vietnam\textsuperscript{249}.

[VIII] DISEASE, FOOD POISONING & MEDICAL MALPRACTICE

Incidents of medical malpractice and the contraction of disease have taken place in China\textsuperscript{250}, Dubai\textsuperscript{251}, Fiji\textsuperscript{252}, Guinea\textsuperscript{253}, India\textsuperscript{254}, Kenya\textsuperscript{255}, Liberia\textsuperscript{256}, Lebanon\textsuperscript{257}, Nigeria\textsuperscript{258}, Saudi Arabia\textsuperscript{259}, Sierra Leone\textsuperscript{260} and Uganda\textsuperscript{261}.

ARCTIC, ANTARCTIC, EUROPE, RUSSIA & CENTRAL ASIA

From frozen waste lands to old and traditional venues travel
accidents occur here as well.

[I] **WRONGFUL DEATH**

Wrongful deaths have taken place in Austria\(^{262}\), Belgium\(^{263}\), Bulgaria\(^{264}\), France\(^{265}\), Germany\(^{266}\), Greece\(^{267}\), Hungary\(^{268}\), Iceland\(^{269}\), Italy\(^{270}\), Kazakhstan\(^{271}\), Mallorca\(^{272}\), Malta\(^{273}\), Norway\(^{274}\), Russia\(^{275}\), Spain\(^{276}\), Switzerland\(^{277}\), Turkey\(^{278}\) and Ukraine\(^{279}\).

[II] **ASSAULTS, ROBBERIES & TERRORISM**

Assaults and robberies have taken place in Belgium\(^{280}\), Bulgaria\(^{281}\), Dagestan\(^{282}\), France\(^{283}\), Greece\(^{284}\), Ireland\(^{285}\), Italy\(^{286}\), Poland\(^{287}\), Scotland\(^{288}\) and Ukraine\(^{289}\).

[III] **RAPES, SEXUAL ASSAULTS & KIDNAPING**

Rapes and sexual assaults have taken place in France\(^{290}\) and kidnaping in Pakistan\(^{291}\).

[IV] **SLIP & FALLS AND VARIOUS OTHER ACCIDENTS**

Slip and falls and other injuries have taken place in Czech Republic\(^{292}\), England\(^{293}\), France\(^{294}\), Greece\(^{295}\), Hungary\(^{296}\), Ireland\(^{297}\),
Italy\textsuperscript{298}, Russia\textsuperscript{299} and Spain\textsuperscript{300}.

[V] **RIDING. VIEWING & BEING ATTACKED BY ANIMALS**

Riding accidents have taken place in Greece\textsuperscript{301}, alligators have been reported in Spain\textsuperscript{302} and seagulls terrorize tourists in Wales\textsuperscript{303}.

[VI] **TRANSPORTATION**

Transportation accidents have taken place in Antarctica\textsuperscript{304}, Austria\textsuperscript{305}, England\textsuperscript{306}, France\textsuperscript{307}, Germany\textsuperscript{308}, Greece\textsuperscript{309}, Holland\textsuperscript{310}, Hungary\textsuperscript{311} Italy\textsuperscript{312}, Kazakhstan\textsuperscript{313}, Poland\textsuperscript{314}, Rumania\textsuperscript{315}, Russia\textsuperscript{316}, Scotland\textsuperscript{317}, Spain\textsuperscript{318} and Ukraine\textsuperscript{319}.

[VII] **DISEASE, FOOD POISONING & MEDICAL MALPRACTICE**

Medical malpractice and the contraction of disease have taken place in Europe\textsuperscript{320}, Greece\textsuperscript{321}, Italy\textsuperscript{322} and Ukraine\textsuperscript{323}.
1. **BEHAVE YOURSELF**

Travelers not only need to be careful and protect themselves but they need to behave in accordance with the laws and customs of the destination country. For example, “In Singapore, which places a high value on order, prostitution is legal but careless disposal of chewing gum can invoke fines up to $500...Jaywalking and spitting result in similar fines. On the bright side, Singapore saves canings for more serious offenses, such as vandalism, for which American teenager Michael Fay received a public lashing in 1994. Sensitivity to another country’s values (is important as) Raffi Nernekian, a Lebanese tourist visiting the United Arab Emirates learned...when he was arrested for wearing a skin cancer awareness T-shirt depicting Posh Spice in her birthday suit. Though a strategic pose and lettering kept Mrs. Beckham’s revelations from being explicit, Nerekian spent a month in jail... (and) Ireland, the land of creative invective, just passed a blasphemy law making it 1 25,000-euro ($37,000) offense to say or print anything ‘grossly abusive or insulting’ about any subject held sacred by any religion” (Dougherty, The Informer, Lost in Translation, Conde Nast Traveler, p. 76).

See also: Linda, Drink camel milk instead of alcohol says Sudan Tourism Minister, www.eturbonews.com (3/25/2013) (“Sudan’s Tourism Minister...last week declared the country off limits for tourists expecting to be served alcohol or wanting to dance in a disco...he advised tourists to drink camel milk...hundreds of miles of sandy beaches along the Red Sea are off limits for those wearing bikinis”); Steinmetz, Photo of female tourist posing with Buddha statue irks Thais, www.eturbonews.com (1/4/2013); Steinmetz, Saudi tourist, prostitute charged with consensual (“sex, illegal drinking in Dubai, www.eturbonews.com (12/15/2012) (“Drunk tourist from Saudi Arabia had sex with an Uzbek prostitute at a hotel apartment in Muraqabbat, a court heard today”); Steinmetz, Myanmar warns visitors on child sex tourism, www.eturbonews.com (11/21/2012) (“Since last month, warning signs have been posted in every hotel room in Bagan to let foreigners know that committing child sexual exploitation is a serious crime in Myanmar”); Steinmetz, Despite new regulations drunken tubing goes on in Laos, www.eturbonews.com (9/16/2012) (“After a spate of tourist deaths on the Nam Song River in Vang Vieng, Laos, authorities from the capital have closed more than two dozen of the riverside and late-night island bars that are pit-stops for tubing tourists...floating down the Nam Song River in a large
tractor-tyre innertube, stopping at the legion of jerry-built bars on the waterside for free shots of drugs, has become a popular pastime”); Steinmetz, French tourists given jail terms in Sri Lanka for ‘insulting religious feelings’, www.eturbonews.com (8/21/2012) (“Two women and one man were detained in the southern town of Galle after a photographic laboratory alerted police. The pictures show the travelers posing with Buddha statues and pretending to kiss one of them... Mistreatment of Buddhist images and artefacts is strictly taboo in the country”); Steinmetz, One Australian visitor dies in Bali every nine days, www.eturbonews.com (8/12/2012) (“Consular officials say alcohol and drugs fuel many of the accidents, while nightclub fights are among the biggest cause of trouble for thousands of Aussies who fly to the tropical island every year. Information release by the Department of Foreign Affairs reveals 39 Australians died in Bali in 2011-12. Another 93 sought consular help after being taken to hospital while 36 were arrested, 18 jailed and eight needed support after being attacked...traffic accidents were the biggest cause of deaths after natural causes”); Steinmetz, Foreign Tourists to be Banned From Getting Thai Religious Tattoos, www.eturbonews.com (June 2, 2011; Steinmetz, www.eturbonews.com (7/5/2012) (“Kashmir has asked tourists visiting the Valley to desist from wearing skimpy clothes and warned them of an angry reaction if they failed to do so. ‘Some tourists, mostly foreigners, are seen wandering in short mini-skirts and other objectionable dresses openly which is against local ethos and culture”); Steinmetz, Abu Dhabi issues tourist flyer with guidelines on ethics and values of UAE, www.eturbonews.com (7/5/2012) (Abu Dhabi has issued “flyers (that) provide guidelines to prevent tourist(s) from getting into trouble with the law. As an example, the information makes it clear that possession of drugs and drug usage are illegal in the UAE...other illegal acts such as prostitution, driving while intoxicated, alcohol consumption with license...the flyers provide guidelines on how to behave in public and behaviors that may be tolerable in other countries but considered either illegal or inappropriate in the UAE. It addresses issues such as physical displays of affection, attire, smoking, drinking or eating during Ramadan, respect for religious sites and occasions, attire for beaches, photography of restricted areas”); Steinmetz, Swiss tourist arrested in Zimbabwe for ‘insulting’ Mugabe, www.eturbonews.com (9/18/2012) (“A Swiss tourist was arrested at the border of insulting the President...Insulting Mugabe is an offense under sweeping security laws and prosecutions are common...A Zimbabwean carpenter was arrested in February after he questioned whether Mugabe still had the strength to blow up balloons at his 88th birthday”); Steinmetz, Hindu shrine cops beat up US tourist, www.eturbonews.com (6/25/2012) (“An American tourist was allegedly
beaten by Jagannath temple security men while he was trying to climb Jagannath’s chariot on the second day of Rath Yatra on Friday”); Steinmetz, French tourist’s strip dance on Uluru causes Aboriginal outrage, www.eturbonews.com (6/27/2010) (“Aboriginal elders are outraged and are calling for her deportation”); Steinmetz, German tourist jailed in New Zealand for smuggling lizards, www.eturbonews.com (3/3/2010)(“A German tourist was sentenced to jail time Wednesday after he admitted trying to smuggle native New Zealand lizards out of the country...The reptiles had a value of 192,000 New Zealand dollars ($134,000) on the European market”). See also: 10 Super Weird Laws from Around the World, www.smartertravel.com (12/15/2012)(discussing the following laws which tourists should be aware of: Rome, Italy: eating and drinking near landmarks illegal; Dubai: sharing a hotel room outside of marriage illegal; Greece: stiletto heels illegal; Netherlands: soft drugs like marijuana and hash illegal; Doytana Beach, Florida: spitting in public illegal; Thailand: stepping on currency with the King’s face on it illegal; Venice, Italy: feeding the pigeons illegal; Canada: using more than 25 pennies in a transaction illegal; Singapore: chewing gum illegal.

If you find yourself in jail in a foreign country you may wish to contact the U.S. Embassy or Consulate and a U.S. attorney (See International Legal Defense Counsel at www.ildc-law.com).

DANGEROUS DESTINATIONS

2. See Myers & Jainchill, Cruise lines continuing Antigua port calls, Travel Weekly (2/1/2010)(cruise passenger murdered near Pigeon Beach during shore excursion).


4. See e.g.,
Eleventh Circuit: Van Hoy v. Sandals Resorts International, 2013 WL 1192316 (S.D. Fla. 2013)(resort guest “dies after he was trapped underwater by the suctioning mechanism in the resort’s hot tub”); Walker v. Wedge Hotel, U.S. Dist. Ct. S.D. Fla. No. 01-3564 ( CIV-GOLD, 27 ATLA Law Reporter 127 ( Sept. 3, 2002 ) ( “Walker, 27, went parasailing during a trip to the Bahamas. She and a friend were required to ride together [ due to ] inclement weather. During the ride the frayed towrope failed, causing Walker to be dragged through the water for several minutes. Walker drowned...Walker’s mother sued the management company of the hotel located on the stretch of beach on which the vendor...
operated its parasailing business. Plaintiff alleged the vendor, which had an office in the hotel, was an agent of the hotel. Plaintiff asserted defendant was liable for the vendor’s negligence in failing to maintain the towrope and failing to give Walker instructions on how to unclip herself in the event of an emergency. A jury awarded plaintiff $1.88 million.

State Law:

New York: Smith v. West Rochelle Travel Agency, Inc., 238 A.D. 2d 398, 656 N.Y.S. 2d 340 (1997) (17 year old on spring break jumps to death from "booze cruise" during vacation in the Bahamas; tour operator not liable for actions of hotel in serving liquor to student and then allowing student to go on local booze cruise; student’s act of jumping over cruise ship railing was intervening cause of accident).


6. See e.g.,
Fifth Circuit: Stutzman v. Rainbow Yacht Adventures Limited, 2007 WL 415355 (N.D. Tex. 2007) ("Steven and Susan Means...made reservations...to charter the Arabesque for a sailing and scuba diving trip in the British Virgin Islands. On January 16, 2006 the Means boarded the Arabesque in the BVI...Captain Rose...organized a scuba dive for the Means (during which) Susan Means experienced complications with her scuba equipment. After being unable to locate Captain Rose at the dive site, Mr. And Mrs. Means surfaced without his assistance. Upon reaching the surface Susan Means managed to board the Arabesque’s dinghy; however, Steven Means drowned while trying to board").


7. See Steinmetz, Canadian visitor drowns in Cuba, www.eturbonews.com (3/1/2013) ("A Canadian has died while on vacation in Cuba").

8. See Steinmetz, Six French tourists disappear from a boat in the Caribbean, www.eturbonews.com (10/29/2012) ("The four men and two women had been attending a music festival on Dominica...The boat was traveling to the nearby island of Martinique").
9. See e.g.,

Eleventh Circuit: Perez-Lang v. Corporacion De Hoteles, SA, 2008 WL 4181334 (S.D. Fla. 2008) (plaintiffs “purchased a vacation package to Casa de Campo...a resort located in La Romana Dominican Republic. The package...included use of a motorized golf cart as a means of transportation. (Plaintiffs) while on the premises of the Resort and operating the golf cart, were struck by an automobile. The accident produced severe and permanent injuries to both Plaintiff...and her daughter...and fatal injuries to her husband “).

State Law:

California: Hernandez v. Barcelo Hotels & Resorts, 2005 WL 67112 (Cal. App. 2005) (“The case arises from the fatal drowning of Roberto Hernandez (which) occurred...during the Hernandez family vacation at the hotel, located in Punta Cana, Dominican Republic. Appellants allege that Roberto drowned after he was encouraged and allowed to snorkel in a dangerous reef without a life vest “).

Massachusetts: Gianocotias v. RIU Hotels, S.A., 2001 WL 758695 (Mass. Super. 2001), judgment reversed 797 N.E. 2d 937 (Mass. App. 2003), on remand 2005 WL 503931 (Mass. Super. 2005) (insulin-dependent diabetic takes vacation and “became ill and vomited periodically through the night...A hotel representative put her in touch with Doctor Correa International Touristic Medical Service (“the Clinic “) which had a contractual relationship with the hotel to provide medical services to its guests...The doctor did not appear to understand the words ‘diabetic’ or ‘diabetes’. The doctor [said] that [patient] would be fine and that the pharmacy would re-open in the morning...[She] was discharged from the Clinic on March 18 but her vomiting and weakness persisted...[the Doctor at the Clinic who treated the patient] agreed that her condition was caused by ‘nervousness’...[She was eventually taken to the hospital]. According to [the patient’s mother] the hospital was filthy and the medical equipment antiquated. Hospital personnel were unresponsive to her inquiries...[The patient] was transported to a hospital in Miami where she died one month later as a result of an acute diabetic ketoacidotic come “).


10. See Balachander v. NCL (Bahamas) Ltd. 800 F. Supp. 2d 1196 (S.D. Fla. 2011)(cruise passenger drowns at resort on Great Shrimp Cay during stopover; Death on the High Seas Act exclusive
remedy).

11. See Schmall, Violence Puts a Chill on Jamaica’s Vital Tourism Industry, www.dailyfinance.com (June 5, 2010) ("In Jamaica, where tourism is a $4 billion industry that accounts for around 20% of GDP, more than a week of negative headlines poses a serious risk to the island’s economy...a four day gun battle in Kingston’s Tivoli Gardens erupted last week, leaving dozens of people dead...’I don’t fee safe, it’s as simple as that’"); Myers, Caribe Noire, Travel Weekly, January 11, 2010, p. 18 ("Crime in the Caribbean is the elephant in the room that no one wants to talk about, but several headline-grabbing events in 2009 propelled the issue onto newspapers’ front pages, social media outlets and websites...Though examples of extreme violence remain isolated, a few have also been horrendously alarming: (1) Eighteen cruise passengers were ambushed and robbed in November by armed thugs in a daring daylight attack while they were touring the Earth Village nature attraction during a port call in Nassau, (2) That incident occurred just two weeks after the robbery of another group of cruisers during a tour stop at the Queen’s Staircase, another attraction in Nassau, (3) In separate incidents in October on Tobago, a British couple was wounded in a machete attack and two British women were raped at knife point in their Holiday villa, (4) Honeymooners from Wales were murdered on Antigua in 2008, (5) An Australian yachtsman was shot and killed on Antigua last January, (6) A pregnant U.S. jogger was abducted, raped and murdered in February during a run near Fajardo, Puerto Rico"); Higgins, When Crimes Comes to Paradise, N.Y. Times Online, December 6, 2009 ("Eighteen cruise passengers were robbed at gunpoint on Bahamas tours last month. A retired couple was seriously wounded in a machete attack at their second home in Tobago in August. A pregnant American tourist was abducted and killed during a morning jog in Fajardo, P.R. in February...Crime, in one form or another, is rising in Bermuda, Belize, St. Lucia and Trinidad and Tobago, based on a review of the State Department’s consular information sheets, which provide data on safety and other issues in foreign countries. It continues to be an issue in places like to Dominican Republic, where pickpocketing and mugging are the most common crimes against tourists and in Jamaica, where the United States Embassy has received several reports of sexual assaults against Americans this year, including two at resorts...What is different, though, is how those crimes are handled. ‘Law enforcement, especially in the Caribbean, does not necessarily have the resources or response that you might expect in the U.S....If you’re victimized by a crime you need to be prepared for a slow justice process’").

13. See Carlisle v. Ulysses Line Ltd., 475 So. 2d 248 (Fla. App. 1985) (“Mr. And Mrs. Carlisle (and another couple) were passengers aboard the S.S. Dolphin on a four day cruise to Freeport and Nassau. They were attracted to this particular cruise by promotional brochures advertising the beautiful beaches of Nassau...the two couples rented a jeep and headed for...‘Yamacraw Beach’. On their return back...they were ambushed by three masked gunmen who opened fire on them with shotguns. All four of them were wounded. Mr. Carlisle later died from a gunshot wound to the head. After the incident, the survivors learned from members of the ship’s crew that other tourists and a member of the ship’s crew had been victims of violent acts perpetrated in various places on the island. Bahamian police reported that the particular beach where plaintiffs were attacked was ‘very bad’”).

14. See e.g.,


   See also: Linda, St. Maarten issues statement concerning murders of 2 Americans, www.eturbonews.com (9/24/2012) (“couple found murdered at the Ocean Club in St. Maarten...The woman was tied onto a chair. The man was lying on the floor and partially over another chair. The motive of this horrific crime is yet unclear”).

16. See Chaparro v. Carnival Corporation, 693 F. 3d 1333 (11th Cir. 2012) (plaintiff passengers took a cruise aboard Carnival’s M/V Victory during which a Carnival employee urged plaintiffs to visit Coki Beach and Coral World which plaintiffs did; “On their way back to the ship from Coki Beach (plaintiffs) rode an open-air bus past a funeral service of a gang member who recently died in a gang-related shooting near Coki Beach...While stuck in traffic, gang-related retaliatory violence erupted at the funeral, shots were fired and Liz Marie was killed by gunfire which she was a passenger on the bus”; motion by Carnival to
dismiss denied, claim stated for failure to warn; complaint alleged, inter alia, “Carnival was familiar with Coki Beach because it sold excursion to passengers to Coki Beach; Carnival generally knew of gang violence and public shootings in St. Thomas; Carnival knew of Coki Beach’s reputation for drug sales, theft and gang violence...Carnival failed to warn (passengers) of any of these dangers; Carnival knew or should have known of these dangers because Carnival monitors crime in its ports of call; Carnival’s negligence in encouraging its passengers to visit Coki Beach and in failing to warn disembarking passengers of general or specific incidents of crime in St. Thomas and Coki Beach caused Liz Marie’s death”).

17. See Steinmetz, Trinidad & Tabago now murder capital of the Caribbean, www.eturbomews.com (3/6/2012)(“With a steady rise in violent crime including an alarming increase in homicides, Trinidad and Tobago has overtaken Jamaica as the ‘murder capital of the Caribbean’. While homicides increased two percent in Jamaica in 2008, murders were up a staggering 38 percent in Trinidad and Tobago”).

18. See Estate of Fraser v. Smith, 2007 WL 5007084 (S.D. Fla. 2007)(“This action arises out of an incident which took place on December 15, 2002, when an explosion occurred in the Turks and Caicos Islands aboard a small powerboat named the Sundance. As a result of the explosion, several passengers were injured and one passenger—Charles E. Fraser—died. The passengers were residents of South Carolina visiting the Turks and Caicos Islands as tourists “)

19. See Linda, Underfunded Belize police challenged by crime, www.eturbonews.com (8/20/2012)(“CNN Go rated Belize City as the tenth most hated city in the world...‘consistently rated as the worst destination’ among cruise ship passengers. Between January and June 2012 there were 35 murders in Belize City...In 2011, a Swedish tourist was robbed at gunpoint and her cash and passport stolen...Data combined with the United Nations Information and US Justice Department shows that most of the 5,500 US-bound human trafficking victims are from Central America, via Belize”); Myers, Caribe Noire, Travel Weekly, January 11, 2010, p. 18 (“Crime in the Caribbean is the elephant in the room that no one wants to talk about, but several headline-grabbing events in 2009 propelled the issue onto newspapers’ front pages, social media outlets and websites...Though examples of extreme violence remain isolated, a few have also been horrendously alarming: (1) Eighteen cruise passengers were ambushed and robbed in November by armed thugs in a daring daylight attack while they were touring the Earth Village nature attraction during a port call in
Nassau, (2) That incident occurred just two weeks after the robbery of another group of cruisers during a tour stop at the Queen’s Staircase, another attraction in Nassau, (3) In separate incidents in October on Tobago, a British couple was wounded in a machete attack and two British women were raped at knife point in their Holiday villa, (4) Honeymooners from Wales were murdered on Antigua in 2008, (5) An Australian yachtsman was shot and killed on Antigua last January, (6) A pregnant U.S. jogger was abducted, raped and murdered in February during a run near Fajardo, Puerto Rico”); Higgins, When Crimes Comes to Paradise, N.Y. Times Online, December 6, 2009 (“Eighteen cruise passengers were robbed at gunpoint on Bahamas tours last month. A retired couple was seriously wounded in a machete attack at their second home in Tobago in August. A pregnant American tourist was abducted and killed during a morning jog in Fajardo, P.R. in February...Crime, in one form or another, is rising in Bermuda, Belize, St. Lucia and Trinidad and Tobago, based on a review of the State Department’s consular information sheets, which provide data on safety and other issues in foreign countries. It continues to be an issue in places like to Dominican Republic, where pickpocketing and mugging are the most common crimes against tourists and in Jamaica, where the United States Embassy has received several reports of sexual assaults against Americans this year, including two at resorts...What is different, though, is how those crimes are handled. ‘Law enforcement, especially in the Caribbean, does not necessarily have the resources or response that you might expect in the U.S....If you’re victimized by a crime you need to be prepared for a slow justice process’”).

20. See e.g.,

See also: Higgins, When Crime Comes to Paradise, www.nytimes.com (Dec. 6, 2009)(“Eighteen cruise passengers were robbed at gunpoint on Bahamas tours last month. A retired British couple was seriously wounded in a machete attack at their second home in Tobago in August...Crime, in one form or another, is rising in Bermuda, Belize, St. Lucia and Trinidad and Tobago...It continues to be an issue in places like the Dominican Republic where pickpocketing and mugging are the most common crimes against tourists and in Jamaica where the United States Embassy has received several reports of sexual assaults against Americans this year, including two at resorts”).
21. See Steinmetz, UK cruse tourists attacked, shot in Barbados, www.eturbonews.com (March 18, 2013)(two British cruise passengers on a shore excursion were shot by a robber).

22. See Wilson v. American Trans Air, Inc., 874 F. 2d 386 ( 7th Cir. 1989 )( tour participant assaulted at Holiday Inn on Grand Cayman Island when intruders gain entry into room through second story balcony window ).

23. See e.g.,
   State Law:


See also: Linda, Assuring the cruise industry and its ports of call, www.eturbonews.com (3/6/2012)(“cruise ships or cruise passengers have experienced multiple problems (in 2010-2012 to include) (1) Tourists robbed on shore excursion on...St. Kitts (November 2010), (2) Attacks in Matzalan (January 2011) caused cruise ships to drop the city as a port of call, (3) In Puerto Vallarta, some 22 cruise passengers were robbed (February 2012) while on what appears to be a cruise-sponsored shore excursion”).

26. See Steinmetz, Armed bandits rob cruise ship tourists in St. Lucia, www.eturbonews.com (4/16/2013)(“Masked gunmen have held up a tour bus in St. Lucia, robbing 50 sightseers from a cruise
ship”).


28. See e.g.,


31. See e.g., Wilson v. American Trans Air, Inc., 874 F. 2d 386 ( 7th Cir. 1989 )( intruder entered Mrs. Wilson’s second floor hotel room through the balcony window and attempted to rape and rob her; tour operator not liable for assault at hotel ); Wilson v. Humphreys Cayman Ltd., 916 F. 2d 1239 ( 7th Cir. 1990 )( guest raped at hotel ).


33. See Flanagan v. Wyndham International, Inc., 231 F.R.D. 98 ( D.C.D.C. 2005 ) ( sexual assault by hotel employee of guest’s child; “ In December 2000, Flora Nicholas and Paul Gayter filed suit...on behalf of their minor daughter S.G. against ( hotel and employee who “ worked at the Kids Klub day-care program at the Wyndham Sugar Bay Resort in St. Thomas. The suit sought damages arising out of Hornby’s alleged sexual molestation of S.G. while she was under his care. After the initiation of the civil suit ( employee ) was convicted of sexually molesting S.G. and is currently incarcerated in the Virgin Islands...Approximately two years after Nicholas [ action ] was filed, the plaintiffs in the two underlying actions, Flanagan and James, filed similar suits ( alleging ) that ( employee ) sexually molested the 9-year old Flanagan girl and the 8-year old James girl while they attended

See also: “Who’s Minding The Kids? “, Conde Nast Traveler, August 2005, pp. 61 ( “More hotels and resorts are opening children’s programs every day, but few parents really know what separates the good ones from the bad...Our outlook changed radically, however, when we learned the story of a nine-year-old girl who was molested by a 22-year-old male counselor while staying with her parents at St. Thomas’s Wyndham Sugar Bay Resort & Spa (Although the abuse occurred in April 2000, the case gained widespread publicity only last year, after the man was denied an early prison release from his five-year sentence ). Just this past April, the issue of safety at these facilities made headlines again when the Australian press reported allegations that in recent years, two Australian children had been abused at two hotel kids’ clubs in Bali. In one case, a three-year-old girl was diagnosed with gonorrhea after spending time at a hotel kids’ club; in the other a five-year-old boy was molested by a man who entered the child-care facility at the resort where the boy and family were staying “ ).


35. See e.g.,


Seventh Circuit: Crawley v. Marriott Hotels, Inc., 2006 WL 2331143 ( D. Ill. 2006 )(“She stayed at the Aruba Marriott Resort & Stellaris Casino( where ) the concierge recommended Crawley take a jeep island tour through ABC Tours...charging the deposit to her hotel room. While on this tour Crawley had a ‘near drowning incident causing her to sustain serious personal injuries ‘ including permanent lung damage ‘”).

Ninth Circuit: Huang v. Marriott International, Inc., 2012 WL 170166 (E.D. Cal. 2012)(timeshare owners booked “a tour of Aruba with De Palm Tours that included scuba diving at Baby Beach (which) allegedly has a significant undertow that has previously caused fatalities, the Huangs were not warned about the dangerous conditions and were told that the beach was safe and that life jackets were unnecessary. While snorkeling... plaintiffs’ wife and mother [were] pulled by an undertow ad drowned”).

36. See e.g.,

dangerous water slide (Mayan Temple Waterslides)).

Seventh Circuit: Carris v. Marriott International, Inc., 466 F. 3d 558 (7th Cir. 2006)( hotel patron injured in personal watercraft accident).

Eleventh Circuit: Stubbs v. Wyndham Nassau Resort and Crystal Palace Casino, 447 F. 3d 1357 (11th Cir. 2006)( "The complaint arises out of a diving accident in which Howard Stubbs...was severely injured when he dove into the shallow end of a swimming pool at the (Wyndham Nassau Resorts And Crystal Palace Casino) located in Nassau, Bahamas "); Meier v. Sun International Hotels, Ltd., 288 F. 3d 1264 (11th Cir. 2002)( hotel guest struck by motorboat while snorkeling; motorboat operated by a Bahamian water-sports concessionaire conducting business at (another hotel) which, plaintiff claims, negligently supervised the motorboat operator); In re Matter of Royal Caribbean Cruises, 2013 WL 425837 (S.D. Fla. 2013)(jet ski accident in the Bahamas); Campbell v. Starwood Hotels & Resorts Worldwide, 2008 WL 2844020 (S.D. Fla. 2008)( guest swimming struck motorboat operated by Ocean Motion); Klima v. Carnival Corporation, 2008 WL 4559231 (S.D. Fla. 2008)( "The case involves a claim...for injuries Plaintiff suffered while taking a catamaran boat tour in the Bahamas...While aboard (the cruiseship 'Sensation') the Klimas booked an excursion on the 'Thriller Powerboat'...Mrs. Klima was injured while aboard the Thriller Powerboat " ); Miyoung Son v. Kerzner International Resorts, Inc., 2008 WL 4186979 (S.D. Fla. 2008)( tourist on excursion " received severe and extensive injuries as a result of being pulled through the churning propellers of the excursion boat " ); Mashburn v. Royal Caribbean Cruises, Ltd., 55 F. Supp. 2d 1367 (S.D. Fla. 1999), aff’d 214 F. 3d 1356 (11th Cir. 2000)( cruise passenger disembarks at Coco Cay Island, Bahamas, an island owned by cruiseline; rents a jet ski owned by cruiseline and is injured in an accident ).

37. See e.g.,

First Circuit: Binder v. McVey, 2007 WL 3391419 (D.V.I. 2007)( "While on an around-the-world sailing trip, the McVeys...sailed the Seahorse to Jost Van Dyke, British Virgin Islands...In the early morning on January 1, 2004, while leaving a bar and restaurant on Jost Van Dyke, P. McVey was asked by several individuals, including plaintiff Heidi Binder, for a ride on his dinghy back to their boats...While P. McVey and...Binder were in the dinghy, the dinghy was struck by a motorboat. Binder sustained injuries in the collision ").


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38. See e.g.,
Second Circuit: Szollosy v. Hyatt Corporation, 396 F. Supp. 2d 147 (D. Conn. 2005)(“the Szollosys took a day trip to the nearby Rum Point recreation area. Rum Point offered a swimming beach and several restaurants and snack bars. Defendant Red Sail also operated a concession stand at Rum Point where sailboats, paddleboats, windsurfers and wave runners and other equipment were available for rental...The wave runner carried Dean across the Rum Point harbor and crashed directly into a stone jetty or break wall...as a result of the crash; he suffered injuries including come and brain hemorrhage”).

Eighth Circuit: Lehman v. Humphreys Cayman Ltd., 713 F. 2d 339 (8th Cir. 1983)( guest at Grand Caymanian Holiday Inn, owned by defendant Humphreys Cayman, Ltd., a franchisee of defendant, Holidays Inns, Inc., in Cayman Islands rented a 16-foot “Hobie Cat” for a sailboat shop, Bob Soto’s Diving, Ltd., located on hotel premises; guest and two companions lost at sea when boat overturned).

State Law:


40. See Steinmetz, Six French tourists disappear from a boat in the Caribbean, www.eturbonews.com (10/29/2012)(“The four men and two women had been attending a music festival on Dominica...The boat was traveling to the nearby island of Martinique”).


43. See e.g.,
Eleventh Circuit: Torres v. International Hotels (Jamaica) Ltd., 2007 WL 2254929 (S.D. Fla. 2007)( plaintiff “seeking relief for injuries sustained while vacationing at the Hedonism II Resort in Jamaica...she was injured while using Hedonism II’s water slide, a tube like structure which opens into a pool...immediately after exiting the slide and landing in the
pool, an inebriated hotel guest crashed on top of her while she was still submerged underwater, injuring her head and neck and rendering her unconscious. Plaintiff further alleges that Hedonism II’s life guards made no attempt to aid or rescue her, that she was forced to seek medical attention on her own, and that, due to her injuries, she remained in bed in her hotel room for the next three days.

State Law:

California: McCollum v. Friendly Hills Travel Center, 217 Cal. Rptr. 919 ( Cal. App. 1985 )( water skiing accident at hotel; “ the driver then made too fast a turn for prevailing water condition which caused ( plaintiff ) to fall hitting ‘ the water hard and twisted [ his ] head ‘...22 days after the accident he suffered a stroke as a result of that fall and is now paralyzed on the left side of his body from the stroke ”).

44. See Cutchin v. Habitat Curacao, 1999 WL 33232277 ( S.D. Fla. 1999 )( guest at Habitat Curacao in Netherlands Antilles suffers decompression sickness during scuba dive; complaint asserts that Habitat negligent in failing to properly conduct dive and in failing to administer necessary medical treatment ).

45. See e.g.,
First Circuit: Santos v. Posadas De Puerto Rico Associates, Inc., 452 F. 3d 59 ( 1st Cir. 2006 )( guest at Wyndham Condado Plaza Hotel and Casino in Puerto Rico injured entering hotel pool; jury verdict for vacationers in the amount of $1,000,000 for injured guest and $250,000 to wife for loss consortium affirmed; “ Knowing that guests used the steps to enter and exit the pool, the Hotel neither made them safe for this readily foreseeable use nor warned of the inherent danger. These failures, the jury plausibly could have found, caused the accident “ ); Fiorentino v. Rio Mar Associates, LP, 381 F. Supp. 2d 43 ( D.P.R. 2005 )( guest at Westin Rio Mar Beach Resort & Casino in Puerto Rico rendered quadriplegic after “ body whomping “ in surf at Rio Mar beach “ when he was suddenly hit by a wave which caused him to topple over and strike his head and neck on the ocean bottom rendering him partly unconscious”); Torres v. National Association of Underwater Instructors, 928 F. Supp. 134 ( D.P.R. 1996 )( scuba accident in Puerto Rico ).


46. See e.g.,
instructor at St. Lucia Club Med resort sucked into propellers of dive boat, *Long John*).


47. See O’Donnell v. Club Mediterranee, S.A., 2008 WL 794975 ( E.D.N.Y. 2008 ) (“ At some point during the (scuba diving) excursion, plaintiff abandoned the dive and attempted to board the boat by climbing a side ladder, which provided access between the water and the boat...the ladder was slippery and the dive boat did not have a lookout on board to help plaintiff climb on board. Plaintiff slipped as she was trying to board the Bat Ray and suffered an ankle fracture, for which she was treated immediately by a physician in Turks & Caicos ”); Welch-Rubin v. Sandals Corp., 2004 WL 2472280 ( D. Conn. 2004 ) (“ The central issue in this case is whether Defendants—a resort company and a tour operator owned, operated or controlled the Beaches Resort which Plaintiff...injured her shoulder while attempting to board a boat ”).

48. See Oleksiuk v. Caribbean watersports and Tours, LLC, 2005 WL 1668906 ( D.V.I. 2005 ) ( guest at Elysian Beach Resort on St. Thomas owned and operated by Equivest broke leg in accident with jet ski provided by concessionaire Caribbean Watersports and Tours LLC ); Wyatt v. Rosewood Hotels and Restorts, LLC, 2005 WL 1706134 ( D.V.I. 2005 ) ( campground patron went swimming at Cinnamon Bay beach in Virgin Islands National Park on St. John and “ was struck by a breaking wave [ and ] was driven into the sand and suffered a broken neck which left him quadriplegic ”); Fabend v. Rosewood Hotels, 181 F. Supp. 2d 439 ( D.V.I. 2002 ) ( tourist vacationed at Cinnamon Bay Campgrounds and was injured while body surfing in Virgin Islands National Park ).


50. See e.g.,


Third Circuit: Plinio v. Americana Aruba Beach Resort &

Eleventh Circuit: Leinhart & Caribbean Hospitality Services, Inc., 426 F. 3d 1337 ( 11th Cir. 2005 ) ( “ Lienhart was vacationing at the Aruba Grand ( which ) is located next to the public beach and it provides lounge chairs and tiki huts on the beach exclusively for use of its guests. Leinhart and a friend were spending the day relaxing and had been led to chairs by an Aruba Grand employee who placed the chairs under a tiki hut for their use...Leinhart was asleep in a lounge chair when...she was struck by a pickup truck and boat trailer operated by an employee of Unique Sports of Aruba. The boat and trailer were backing up along the beach “ ).

State Law:

Connecticut: Cicchiello v. Reney Tours Plane Brokers, Inc., 1996 WL 278348 ( Conn. Super. 1996 ) ( tourists purchase tour to Aruba featuring accommodations at the La Cabana; “ The plaintiffs allege that...Emanuel ‘ turned on the gas stove in his room...when suddenly and without warning there was a gas explosion from the gas stove ‘ causing injury” ).

51. See e.g.,

First Circuit: McElheny v. Trans National Travel, Inc., 165 F. Supp. 2d 190 ( D.R.I. 2001 ) ( on “ the second day of her vacation...she met with a certain representative at the Club Fortuna Beach. Plaintiff asserts that this representative intended to sell Plaintiff vacation-related products, including a time-share. Plaintiff pulled up a chair to sit with the representative, but due to a defect ( Plaintiff alleges that the chair had only three legs ), Plaintiff slip and fell off the chair. As a result, Plaintiff broke her ankle “ ).


State Law:


New York: Meshel v. Resorts International of New York, 160 A.D. 2d 211, 553 N.Y.S. 2d 342 ( 1990 ) ( guest at Britannia Tower suffers heart attack; complaint alleges that hotel was negligent in providing defective oxygen equipment including spent or inadequate oxygen cylinders ).

52. See e.g.,

Third Circuit: O’Connor v. Sandy Land Hotel Co., Ltd., 2007 WL 2135274 ( 3rd Cir. 2007 ) ( “ They booked a five-night stay at Sandy Lane ( in Barbados which ) then mailed the O’Connors a
brochure highlighting the many treatments available at the on-site spa...Sandy Land agreed to provide spa treatments at specific dates and times and the O’Connor’s agreed to pay a set price...Mr. O’Connor was due one of his massages. He went to the spa at the appointed time and the staff began to ‘rejuvenate’ his ‘mind, body and spirit’. As part of that process, a Sandy Land employee instructed Mr. O’Connor to step into the shower and wash up. Unfortunately, Mr. O’Connor’s feet were still slick with massage oils, and there were no mats on the shower’s wet floor. As he stepped into the shower, Mr. O’Connor slipped, fell and tore his rotator cuff.

Great Britain: Japp v. Virgin Holidays [2013] EWCA Civ (guest at hotel in Barbados walks into balcony glass door which shatters causing lacerations).


State Law:

New York: Amsellem v. Host Marriott Corp., 280 A.D. 2d 357, 721 N.Y.S. 2d 318 (2001) (guest at Marriott Castle Harbour Resort in Tucker’s Town, Bermuda operated by Marriott International Services, Ltd (MLTD) became ill from consuming contaminated water; “Castle Harbour’s water tanks and filtration system are monitored by the Bermuda Ministry of Health (the Ministry) pursuant to Bermuda law. On February 13, 1998 the Ministry was summoned to Castle Harbour after a large number of guests reported nausea, vomiting and diarrhea. Ministry officials subsequently advised MLTD personnel that there was nothing unusual in the stool and water samples that they had analyzed and that the outbreak was, they believed, the result of an airborne virus...on February 16, 1998 MLTD was informed by the Ministry that contrary to its earlier pronouncement, additional sample tested by the Ministry indicated that the water supply was contaminated “).

54. See Heidle v. The Prospect Reef Resort, Ltd., 364 F. Supp. 2d 312 (W.D.N.Y. 2005) (“Heidle vacationed with her boyfriend...at Prospect Reef’s resort on Tortola in the British Virgin Islands (and while there she fell into a cistern)”).

55. See e.g., Third Circuit: Miloseska v. Liberty Travel, Inc., 2013 WL 178065 (D.N.J. 2013) (accident at hotel in Dominican Republic); Callista v. Inversora Internacional Hotelera, S.A., 2009 WL 137332 (D.N.J. 2009) (“Plaintiff...was a guest at the Grand
Flamenco Resort...in Punta Cana (and) during his stay...he contracted food poisoning “).


56. See Rams v. Royal Caribbean Cruise Lines, 17 F. 3d 11 (1st Cir. 1994)(cruise passenger on shore excursion in Haiti slips and falls in hotel owned by cruise line).

57. See e.g.,

First Circuit: Hofer v. The Gap, Inc., 2007 WL 2827380 (D. Mass. 2007)(“She contends that as she turned around to descend the stairs, the thong of her right sandal became detached by pulling through the sole. This caused her to lose her balance, and she fell to her right into the turtle pond. As she fell, she gouged her left leg on the sharp rocks in the pond...It is well settled that travel agents are not generally liable for the negligence or dangerous conditions of third-party hotel or travel operators...Plaintiff contends, however, that this case should fall outside the general rule for three reasons (1) Expedia ‘controlled’ the Turtle Beach Towers resort as a result of inspections it allegedly conducted at the hotel, (2) Expedia as plaintiff’s agent owed her a duty to warn of dangerous hazards of which Expedia was aware through its ‘inside information’ and (3) Expedia voluntarily assumed a duty to warn her of safety hazards”).

Eleventh Circuit: Campbell v. Air Jamaica Ltd., 2012 WL 3562126 (S.D. Fla. 2012)(“The above-styles action arises from Defendants’ alleged refusal to allow Plaintiff Campbell to board a flight (departing from Kingston, Jamaica) for which he was ticketed which (allegedly) caused him to suffer a heart attack”; complaint dismissed as failing to come within Article 17 or Article 19 of the Montreal Convention); Smolnikar v. Royal Caribbean Cruises Ltd., 787 F. Supp. 2d 1308 (S.D. Fla. 2011)(“while participating on an offshore ‘zip line’ excursion tour in Montego Bay, Jamaica... (plaintiff) collided at a high speed with a tree and suffered a herniated disk in her neck...(alleges) (1) negligent selection (of) a zip line tour operator and (2) failure to warn of dangerous conditions present in the zip line tour”); Prophet v. International Lifestyles, Inc., 2011 WL 1388576 (S.D. Fla. 2011)(accident at hotel gym (defective power rack)).

58. See e.g.,

Country Club in Puerto Rico); Raybourne v. San Juan Marriott Resort, 2003 WL 1984482 ( D.P.R. 2003 )( guest falls in bathtub; award of $500,000 compensatory damages grossly excessive and award of $150,000 in lost earnings unsupported by evidence ); See In re San Juan Dupont Plaza Hotel Fire Litigation, 768 F. Supp. 912 ( D.P.R. 1991 )( attorneys fees ); In re San Juan Dupont Plaza Hotel Fire Litigation, 117 F.R.D. 30 ( D.P.R. 1987 )( discovery ).


Fifth Circuit: Room v. Caribe Hilton Hotel, 659 F. 2d 5 ( 5th Cir. 1981 )( hotel directory stated “ A registered nurse is on duty, and a qualified physician is available at all times...After hours and Saturday and Sunday call: Telephone operator ”; hotel guest felt weak and nauseous and called operator at 7:30PM asking for a doctor and was assured by the operator that a doctor would be obtained. At 11:30PM the guest called again and was assured that a doctor would be called. The telephone operator was unable to get a doctor to come and so advised the guest who took a cab to the local hospital where he was diagnosed with a myocardial infarction and remained in the hospital for a month. The lawsuit asserts, inter alia, that the hotel’s delay in obtaining a doctor and providing promised medical assistance caused the guest permanent brain damage ).

State Law:


63. See Snyder v. Dolphin Encounters Limited, 235 F. Supp. 2d 433 (E.D. Pa. 2002) (“a large dolphin landed on plaintiff’s head and pushed her underwater...The dolphin trapped the plaintiff underwater for several seconds...she suffered permanent partial hearing loss in one ear and cervical injury”; no personal jurisdiction; discussion of jurisdiction and Internet websites).


65. See Ward v. Kerzner International Hotels Limited, 2005 WL 2456191 (S.D. Fla. 2005) (guest at Ocean Club on Paradise Island, Bahamas “used one of the bicycles provided by the Ocean Club’s sports facility, but the bicycle did not have lights and she was not given a helmet...after dark, she hit some unpainted speed bumps in the unlighted driveway, was thrown over the handlebar and was seriously injured”).


68. See Lang v. Corporacion De Hoteles, SA, 2007 WL 3286385 (D.P.R. 2007) (“The complaint alleges that plaintiffs...traveled to the Dominican Republic for a vacation at Casa de Campo resort after purchasing and booking their vacation package through MK Tours (PR), Inc., a travel agency in Puerto Rico. During their stay...the family suffered an accident when their golf cart, which is claimed have been part of the vacation package deal, was struck by a truck in the premises of Casa de Campo resort. As a result Mr Lang died while plaintiffs were seriously”). See also Perez-Lang v. Corporacion De Hoteles, SA, 2008 WL 4181334 (S.D. Fla. 2008).

69. See e.g., Eleventh Circuit: Bridgewater v. Carnival Corporation, 2011 WL 4383312 (S.D. Fla. 2011) (“Plaintiff, a passenger on the Carnival Conquest, participated in a catamaran sailing excursion on Montego Bay, Jamaica which was operated by (Jamaican company Rapsody Tours, Charters & Cruise Limited). Lightening struck at
or near the catamaran and Plaintiff was injured as a result; discovery to establish relationship between domestic cruise line and foreign ground service provider).

State Law:

70. See e.g.,


72. See e.g.,


State Law:
California: Fisher v. Olde Towne Tours, LLC, 2011 WL 3310362 (Cal. App. 2011)(“During the trip to the snorkeling site, Fisher’s dinghy was struck by a large wave. Fisher grabbed the mooring line but it did not provide a secure hand hold. Fisher lost her balance and fell backward against the edge of the bench, striking her back. She sustained a serious injury...that required surgery”).

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75. See e.g.,
   State Law:
     New York: Meshel v. Resorts International of New York, 160 A.D. 2d 211, 553 N.Y.S. 2d 342 (1990) (guest at Britannia Tower suffers heart attack; complaint alleges that hotel was negligent in providing defective oxygen equipment including spent or inadequate oxygen cylinders).

76. See Gianocotas v. RIU Hotels, S.A., 2001 WL 758695 (Mass. Super. 2001), judgment reversed 797 N.E. 2d 937 (Mass. App. 2005), on remand 2005 WL 503931 (Mass. Super. 2005) (insulin-dependent diabetic takes vacation and “became ill and vomited periodically throughout the night...A hotel representative put her in touch with Doctor Correa International Touristic Medical Service (“the Clinic“) which had a contractual relationship with the hotel to provide medical services to its guests...The doctor did not appear to understand the words ‘diabetic’ or ‘diabetes’. The doctor [said] that [patient] would be fine and that the pharmacy would re-open in the morning...[She] was discharged from the Clinic on March 18 but her vomiting and weakness persisted...[the Doctor at the Clinic who treated the patient] agreed that her condition was caused by ‘nervousness’...[She was eventually taken to the hospital]. According to [the patient’s mother] the hospital was filthy and the medical equipment antiquated. Hospital personnel were unresponsive to her inquiries...[The patient] was transported to a hospital in Miami where she died one month later as a result of an acute diabetic ketoacidotic coma ”).
77. See Cutchin v. Habitat Curacao, 1999 WL 33232277 (S.D. Fla. 1999) (guest at Habitat Curacao in Netherlands Antilles suffers decompression sickness during scuba dive; complaint asserts that Habitat negligent in failing to properly conduct dive and in failing to administer necessary medical treatment).

78. See e.g.,


Fifth Circuit: Room v. Caribe Hilton Hotel, 659 F. 2d 5 (5th Cir. 1981) (hotel directory stated “A registered nurse is on duty, and a qualified physician is available at all times...After hours and Saturday and Sunday call: Telephone operator”; hotel guest felt weak and nauseous and called operator at 7:30PM asking for a doctor and was assured by the operator that a doctor would be obtained. At 11:30PM the guest called again and was assured that a doctor would be called. The telephone operator was unable to get a doctor to come and so advised the guest who took a cab to the local hospital where he was diagnosed with a myocardial infarction and remained in the hospital for a month).

79. See Delgado v. Reef Resort Limited, 364 F. 3d 642 (5th Cir. 2004) (scuba diver “never surfaced during a recreational scuba diving trip off the coast of Belize...organized by Ramon’s Village Resort”).

See also: Linda, Underfunded Belize police challenged by crime, www.eturbonews.com (8/20/2012) (“CNN Go rated Belize City as the tenth most hated city in the world...‘consistently rated as the worst destination’ among cruise ship passengers. Between January and June 2012 there were 35 murders in Belize City...In 2011, a Swedish tourist was robbed at gunpoint and her cash and passport stolen...Data combined with the United Nations Information and US Justice Department shows that most of the 5,500 US-bound human trafficking victims are from Central America, via Belize”).
80. See e.g.,
   Second Circuit: Darby v. Compagnie Nationale Air France, 13 Fed. Appx. 37 (2d Cir. 2001)(guest of hotel drowns off public beach in Brazil; hotel has no duty to warn of dangerous surf even though it encouraged and facilitated the use of the beach); In re Air Crash Near Peixoto De Azeveda, Brazil, 2008 WL 4093568 (E.D.N.Y. 2008)(Brazilian passengers killed when commercial aircraft “crashed into the Amazon rainforest”).

State Law:
   New York: Darby v. Compagnie Nationale Air France, 96 N.Y.2d 343, 728 N.Y.S. 2d 732, 735 N.E. 2d 160 (2001)(hotel guest drowned while swimming at Copacabana Beach, a public facility in Rio de Janeiro, Brazil. He and his wife were guests at the Meridien Copacabana Hotel, which is separated from the beach by a four-lane public highway. The hotel marketed its proximity to the beach and encouraged guests to use it, even providing them with chairs, umbrellas, towels and a security escort service. It also furnished guests with pamphlets warning about sun exposure and crime on the beach. The pamphlets did not, however, say anything about possibly dangerous surf conditions; Brazilian hotel “across the road from a public beach, use of which by hotel guests was encouraged and facilitated by the hotel [had no duty] to warn of rip tides that caused injury to...[guest] swimming off that beach”; hotel had no duty “to take reasonable care to discover the actual condition of the land under water in the area wherein [guests] were invited and permitted to bathe, and...warn them of its dangerous condition...Moreover, that the hotel chose to warn its guests of the risks of sun exposure and crime does not create any duty to warn against hazards of the sea”).

81. See e.g.,
   Sixth Circuit: Brunner v. Hampson, 441 F. 3d 457 (6th Cir. 2006) (“Defendant Canada North is an international booking agent and outfitter providing sport hunting excursions...Moore, a resident of Ohio, was contacted by...a ‘booking agent ‘...regarding a muskox hunt to be offered by Canada North in 2001...Moore then booked the hunt for himself, Brunner and Hampson...Canada North used a cabin in the Ellice River in the Province of Nunavut...On August 26, 2001, Jerry Hampson, while in the cabin placed a pot on a Coleman stove and it caught fire. Hampson then grabbed a container with clear liquid which he threw on the flames. The liquid, however, was naphtha, a highly flammable substance, which caused an explosion. The cabin caught fire...Hampson died and plaintiffs...suffered severe burns. A fire investigation concluded that (1) the hunting party was accommodated in an inadequate hunting camp that was neither inspected nor licensed for commercial operation, (2) camp safety
orientation was not provided, (3) portable fire extinguishers were not provided and (4) the Coleman camp stove was operated contrary to the manufacturer’s instructions “; no personal jurisdiction over Canadian defendants ); Rafferty v. Blake’s Wilderness Outpost Camps, 1997 WL 14795 ( E.D. Mich. 1997 )( plane crash during bush tour in Canada ); Goldstein v. D.D.B. Needham, 740 F. Supp. 461 ( S.D. Ohio 1990 )( white water rafting accident in British Columbia ).

State Law:

82. See Parry, Dead, Injured in Chilean Bus Crash Return Home, The Journal News, p. 7B ( March 25, 2006 )(“ 64-member B’nai B’rith group that was traveling aboard the cruise ship Millennium...( who ) had made a side excursion to see the mountains on a tour bus that tumbled more than 300 feet down a mountainside ”).

83. See UK tourist found dead in Columbia (ETN (4/25/2014)("A British teenager has been found dead in Columbia after taking a hallucinogenic drug in a tribal ritual").

84. See e.g.,
Second Circuit: Mayer v. Cornell University, 107 F. 3d 3 ( 2d Cir. 1977 ), cert. denied 1997 WL 336602 ( 1997 )( bird watcher on Cornell University sponsored 28 day tour of Costa Rica drowns while snorkeling off Il DeCano in the Pacific Ocean; defendants owed no duty to drowning victim “ the evidence amply demonstrates that neither Cornell nor Brown was in a position to ensure the safety of the snorkeling activity because neither had any particular expertise in snorkeling...and more significantly neither had any authority over the actions of Marenco or its employees...Indeed, there was no realistic opportunity for Brown or Cornell in particular to control the circumstances of the snorkeling because in planning its sponsorship of the tour, Cornell could not have anticipated Marenco’s unexpected offer for the group to join the del Cano day trip...We see no reason for extending New York law to impose a duty of care on the basis of what appellant characterizes as the ‘ special relationship ’ between a sponsor and the third party controlling an event or between a sponsor and the event participants “ ).

traveled to Costa Rica on a fishing expedition (purchased through defendant Florida travel agent Tico Travel which made arrangements with defendant California booking agent Bob Marriott’s Flyfishing Store d/b/a Travel Center which made arrangements for accommodations with defendant Costa Rican fishing resort Casa Mar Lodge Del Caribe and fishing adventures with defendant Costa Rican Casa Mar Fishing Club, S.A.)...two of the travelers went out on the Don Carlo which capsized “due to turbulent and choppy” waters, one drowned and one swam to shore).

State Law:


86. See e.g.,


Fifth Circuit: Gardemal v. Westin Hotel Company, 186 F. 3d 588 (5th Cir. 1999) (“Gardenal and her husband John..., a physician, traveled to Cabo San Lucas, Baja California Sur, Mexico at attend a medical seminar at the Westin Regina Resort Los Cabo...According to Gardemal, the concierge at the Westin Regina directed the group to ‘ Lovers Beach ‘ which, unbeknownst to the group, was notorious for its rough surf and strong undercurrents. While climbing the beach’s rocky shore, five men in the group were swept into the Pacific Ocean by a rogue wave and thrown against the rock. Two of the men, including John Gardemal drowned “ ); Snaza v. Howard Johnson Franchise Systems, Inc., 2008 WL 5383155 (N.D. Tex. 2008)( “This is a wrongful death action brought by the parents of Duane Snaza...who in March 2005 fatally fell from his balcony on the tenth floor of a Howard Johnson hotel in Mazatlan, Mexico “ ); Sacks v. Four Seasons Hotel Limited, 2006 WL 783441 (E.D. Tex. 2006)(guest dies at Mexican hotel).

Seventh Circuit: Wozniak v. Wyndham Hotels and Resorts, LLC, 2009 WL 901134 (N.D. Ill. 2009)(“While walking in the Wyndham CZM lobby...Jim Wozniak slipped and fell over the side of a stairwell. Mr. Wozniak died later that day from injuries.)


State Law:

Arizona: Knoell v. Cerkvenik-Anderson Travel, Inc., 181 Ariz. 394, 891 P. 2d 861 (1995) (student on a student tour to Mazatlan, Mexico spent three days drinking alcoholic beverages and then decided to jump from the balcony of his hotel and was killed); Meurer v. Cervenik-Anderson Travel, Inc., 181 Ariz. 294, 890 P. 2d 69 (1994) (student falls to death under steel wheels of party train to Matzalan).


New York: Hernandez v. Quality Inns, inc., New York Law Journal, March 23, 1993, p. 21, col. 6 (N.Y. Sup.) (a tourist was fatally injured while using the parasailing equipment rented for a local Mexican company having no legal connection to the hotel where the tourist was a guest. To establish the liability of the hotel the complaint sought “to hold Quality Inns vicariously liable for Hotel Calinda’s failure to hire a competent parasailing concessionaire with sufficient training in parasailing and/or life saving, for advertising parasailing on its grounds and creating an illusion of safety without first checking on the competency of the operators of the parasailing concessionaire, and for failing to properly supervise and observe the parasailing activity. The record indicates Hotel Calinda contracted with the parasailing concessionaire ‘Deporte Aquaticos’, received a monthly fee pursuant to the contract, and that employees of the hotel were responsible for regularly inspecting the activity and equipment of the parasailing concessionaire. The parasailing activity was conducted along the Hotel Calinda beach and signs were posted on the grounds of the hotel directing guests to the parasailing facility...In fact, plaintiff’s husband was instructed by a clerk of the hotel’s front desk to go the beach area to sign-up for parasailing “).

See also: Steinmetz, Bus crash killed 21 tourists on way to the beach, www.eturbonews.com (7/23/2012) (“The bus full of tourists heading to the beach in the resort torn of Rincon de Guayabitos, Mexico crashed and killed at least 21”);“Nineteen
Die on HAL Tour Excursion “, Travel Weekly, p. 56 (September 17, 2001) (“Sixteen passengers from Holland America Line’s Maasdam, along with two pilots and one tour escort were killed Sept. 12 when their sightseeing plane crashed in a jungle near Mexico’s Yucatan Peninsula “).

87. See Panamanian authorities resume search for tourists missing since March (ETN (5/27/2014)) (“A search for female Dutch tourists who went missing in Panama almost two months ago is resuming”).


89. See Bapte v. West Caribbean Airways, 370 Fed. Appx. 71 (11th Cir. 2010) (flight from Jamaica to Martinique crashes in the Venezuela killing all onboard).

90. See Steinmetz, Kidnapped tourists freed in Ecuador, www.eturbonews.com (9/30/2012) (“Two female tourists Kidnapped in the north-eastern Ecuador, near the border with Columbia, have been freed...They had been traveling in a canoe while visiting a remote nature reserve in the Amazon jungle”).

91. See Linda, Assuring the cruise industry and its ports of call, www.eturbonews.com (3/6/2012) (“cruise ships or cruise passengers have experienced multiple problems (in 2010-2012 to include) (1) Tourists robbed on shore excursion on...St. Kitts (November 2010), (2) Attacks in Matzalan (January 2011) caused cruise ships to drop the city as a port of call, (3) In Puerto Vallarta, some 22 cruise passengers were robbed (February 2012) while on what appears to be a cruise-sponsored shore excursion”).

92. See Billard, Pink Dolphins and Sunsets Along the Amazon, www.nytimes (April 11, 2014) (“In 2009, the luxury Aqua Expeditions cruise ship had been boarded by armed pirates, who robbed the passengers of cameras, cash and jewelry. Ever since then, the Aqua and its sister ship, te Aria, have been accompanied by three armed guards”); Baran, Peru steps up security after two Amazon river ship attacks, Travel Weekly (8/17/2009, p. 36.).

93. See Linda, Underfunded Belize police challenged by crime, www.eturbonews.com (8/20/2012) (“CNN Go rated Belize City as the tenth most hated city in the world...’consistently rated as the
worst destination’ among cruise ship passengers. Between January and June 2012 there were 35 murders in Belize City...In 2011, a Swedish tourist was robbed at gunpoint and her cash and passport stolen...Data combined with the United Nations Information and US Justice Department shows that most of the 5,500 US-bound human trafficking victims are from Central America, via Belize”).

94. See Romero, American Woman Gang-Raped and Beaten on Brazilian Transit Van, www.nytimes.com (4/4/2013)(“The attackers pummeled the woman’s face and tied up her male companion, a French citizen, then beta him with a metal bar as he witnessed the harrowing assault”).

95. See O’Keefe v. Inca Floats, Inc., 1997 WL 703784 ( N.D. Cal. 1997 ):[166x609] ( tourist purchases package tour featuring travel to and accommodations in Peru and a cruise to the Galapagos Islands operated by Ecuadorian company Quasar Nautical S.A. during which crew member attempts to rape and sexually assault Ms. O’Keefe ).

96. See e.g.,

Eleventh Circuit: Burdeaux v. Royal Caribbean Cruises, Ltd., 2012 WL 3202948 (S.D. Fla. 2012)(during shore excursion in Cozumel, Mexico passenger relied on ship’s recommended list of shops which provided a “sixty-day ’Buyers Guarantee’ for repairs and returns”; during shopping passenger decided to shop at a jewelry store not recommended and was pushed down “a hallway and into a restroom...he forced her to perform oral sex on him. Following this, Burdeaux was forced to have oral and vaginal sex with four additional unknown local men (then) the men let go”; complaint dismissed; no duty owed; “the issue of foreseeability hinges on evidence of sexual assault in the Cozumel shopping district at issue...Burdeaux presents no record evidence of this risk”);

State Law:

Massachusetts: Deacy v. Studentcity.Com, Inc., 916 N.E. 2d 422 (Mass. App. 2009)(“The plaintiff...purchased a Cancun, Mexico tour package from the defendant...This spring break vacation to Cancun was advertised as ‘the ultimate student spot’ and ‘hassle free’ with ‘non-stop partying’, ‘loaded with fund’...Also advertised were certain ‘side tours’ or events with emphasis on alcohol and sex (After attending such a side tour) billed as a ‘Booze Cruise’...consuming a minimum of seven to eight alcoholic beverages...she returned to the hotel in the Early morning hours...went down to pool” and was raped in the pool”).

See also: Women Alert To Travel’s Darker Side, www.nytimes.com (5/23/2014)(“An Italian tourist was reportedly raped by police officers in Mexico”).

98. See e.g., Second Circuit: Mayer v. Cornell University, supra, at N. 39 (bird watcher on Cornell University sponsored 28 day tour of Costa Rica drowns while snorkeling off Il DeCano in the Pacific Ocean).
State Law:
Illinois: Stein v. Rio Parismina Lodge, 695 N.E. 2d 518 (Ill. App. 1998)(tourist purchased a fishing vacation tour to Costa Rica from travel agent Fish & Game Frontiers with accommodations at Rio Parismina Lodge; tourist joins fishing trip and is injured when his boat is swamped by waves as river empties into ocean).

99. See e.g.
Third Circuit: Yurchak v. Atkinson & Mullen Travel, Inc., 2006 WL 3076675 ( 3rd Cir. 2006)(tourist injured on personal watercraft in Mexico; “The Yurchaks allege that in December 2002 they received an advertisement...soliciting them to purchase a vacation package. The advertisement included a picture of a jet ski in use. Before purchasing the package the Yurchaks asked about their safety while vacationing in Mexico but they were given no warnings...beyond a general assurance that travel to the country was safe. They were not told of a Consular Information Sheet from the United States Department of State that included a warning about jet skiing in Mexico...The Yurchaks’s claims of misrepresentations-both negligent and fraudulent-are similarly faulty...Even assuming that the...general assurances of safety in Mexico could have been understood as an assurance that jet skiing there would be safe, such a statement would not have been material to the transaction between these parties. The rental and use of a jet ski was not part of the vacation package the Yurchaks purchased...it is not tenable based on the alleged facts that their decision to purchase the vacation package...turned on whether or not they believed it would be safe to jet ski on their vacation “ ); Colvin v. Van Wormer Resorts, Inc., 2008 WL 5245987 (D.N.J. 2008)(fishing accident at Hotel Punta Colorado; “while boarding a boat via a movable dock, Mary Colvin alleges that she stepped into a hole in the dock with her right foot. Her leg plunged through the break in the dock, up to her groin. Since only one leg broke through the dock, she fell into a painful split. Her body twisted and rusty nails punctured her leg in
several spots “). 


Sixth Circuit: Sova v. Apple Vacations, 984 F. Supp. 1136 (S.D. Ohio 1997) (“she went on a vacation trip to Cancun, Mexico (and once there) she considered the information provided in the travel guide and elected to go on the Isla Mujeres snorkeling excursion. Plaintiff states that there was no ladder at the side of the boat, and that at the conclusion of the snorkeling portion of the tour, the tour participants were pulled from the water by their arms by the tour guides. Plaintiff asserts that as she was being pulled from the water by her arms, her body was forced against the side of the boat, resulting in severe and permanent injury to her back “).

Seventh Circuit: Elayyan v. Sol Melia, SA, 571 F. Supp. 2d 886 (N.D. Ind. 2008) (“the Plaintiffs...who are Indiana residents, stayed at the hotel Melia Puerto Vallarta, located in Puerto Vallarta, Mexico...Plaintiffs Ayah Elayyan was injured while in the hotel’s outdoor swimming pool “).

Eleventh Circuit: Belik v. Carlson Travel Group, 2012 WL 4511236 (S.D. Fla. 2012) “a port-of-call excursion in Cozumel, Mexico known as the ‘Cozumel Beach Party’. The event was at the % Senor Frogs Restaurant in the port of Cozumel...(and plaintiff alleges that Carnival and SinglesCruise) knew the passengers attending...would be drinking and partying and would be encouraged to slide, jump and dive into the waters from seawall adjacent to the % Senor Frogs Restaurant (which plaintiff did) hit(ing) his head on the ocean floor resulting in tetraplegia”).

State Law:


New Jersey: Mastondrea v. Occidental Hotels Management S.A., 918 A. 2d 27 (N.Y.A.D. 2007) (plaintiff purchased “a vacation package for accommodations at an all inclusive resort known as Royal Hideaway Playacar located in Quintana Roo, Mexico...while at the resort, plaintiff slip and fell on a wet exterior staircase, breaking her ankle “).
100. See Morag v. Quark Expeditions, Inc., 2008 WL 3166066 (D. Conn. 2008) ("Plaintiff...who is a citizen and resident of Israel...were passengers aboard a cruise ship traveling from Antarctica to Argentina...During the ship’s two-day crossing of the Drake Passage, M. Morag fell and suffered extensive spinal and other injuries which have rendered him quadriplegic ").

101. See e.g.,
   Eleventh Circuit: Isbell v. Carnival Corp., 462 F. Supp. 2d 1232 (S.D. Fla. 2006) ("The excursion consisted of floating down a river in the rain forest in Belize, in and out of caves, while on an inner tube...During the course of the excursion, Plaintiff began to feel ill. Plaintiff’s husband removed her life vest and notice two small puncture wounds on her left upper arm...it was determined that Plaintiff had been bitten by a snake...On October 29, 2004 Plaintiff allegedly suffered a heart attack. Subsequently Plaintiff underwent a successful cardiac surgery... Plaintiff alleges that the snake bite and the treatment that she received as a result thereof have caused a 'myriad of long term physical and psychological effects that are compensable in this action ' ").

   State Law:
   California: Fiduccia v. Princess Cruise Lines, Ltd., 2007 WL 2181888 (Cal. App. 2007) (cruise passenger "alleged that while onboard, (he) purchased a ticket for an onshore excursion to the Crooked Tree Wildlife Sanctuary near Belize City; during the excursion, (he) fell through a rotten, broken and defective boardwalk, causing him to suffer serious personal injuries ").

102. See Stevenson v. Four Winds Travel, Inc., 462 F. 2d 899 (5th Cir. 1972) (tour participant slips and falls on slimy pier in Amazon jungle).


104. See e.g.,
   Eleventh Circuit: Oldfield v. Pueblo De Bahia Lora, S.A., 558 F. 3d 1210 (11th Cir. 2009) ("Richard Oldfield...while searching the internet at his home (in Florida)...came across the website for Parrot Bay Village. The website, whose text was entirely in English, described the resort as both a 'full service resort' and a 'unique sport fishing and rainforest eco-lodge'...He made arrangements with a charter service for a one-
day fishing trip during which he was injured); Gayou v. Celebrity Cruises, Inc., 2012 WL 2049431 (S.D. Fla. 2012) (cruise passenger injured in Costa Rica while participating in “Jungle Breezes Canopy Tour” zip-lining excursion; claims against cruise line for negligence, misleading advertising, negligent misrepresentation, actual agency and breach of third-party beneficiary theory dismissed; claim for apparent authority sustained).


106. See e.g.,


Third Circuit: Wilson v. RIU Hotels & Resorts (Riusa II, S.A.), 2011 WL 3241366 (E.D. Pa. 2011) (guest at resort in Cabo San Lucas, Mexico slips and falls in bathtub/shower in her hotel room; no personal jurisdiction over foreign hotel; guest did not visit hotel’s website; guest “booked her vacation at Riu Palace through the (tour operator/travel agent) Apple Vacations website... Plaintiff needs to demonstrate that Riusa II specifically targeted this forum, which she has not done”);

Colvin v. Van Wormer Resorts, 2008 WL 5245987 (D.N.J. 2008) (“Plaintiffs arrived at Hotel Punta Colorado...The fishing camp. Two days later, while boarding a boat via a movable dock, Mary Colvin alleges that she stepped into a hotel in the dock with her right foot. Her leg plunged through the break in the dock, up to her groin. Since only one leg broke through the dock, she fell into a painful split. Her body twisted and rusty nails punctured her leg in several spots...Following the accident Mary Colvin received treatment from a local Mexican clinic...Her legs swelled and she needed a tetanus shot to treat the puncture wounds. Since that time, she alleges that she has required continued care”);


Sixth Circuit: Conley v. MLT, Inc., 2012 WL 1893509 (E.D. Mich. 2012) (plaintiff purchases MLT tour through Michigan travel agent featuring accommodations at Mexican resort and was seriously injured “when one of the support poles of the hammock upon which she was laying broke, causing him to fall and suffer
serious head injuries. J.C. fractured his skull and was subsequently airlifted from Cozumel, Mexico to Broward County, Florida where he underwent emergency surgery"; defendants included Massachusetts tour operator, MLT, Mexican resorts, Diamond Hotels Cozumel and Holiday Village White Sands, Dutch management companies, Occidental Hotels Management B.V and Occidental Hoteles Management S.L., and a Florida based marketing company, Allegro, owned by the Occidental companies; motion by Occidental companies to dismiss for lack of jurisdiction denied based upon alter ego theory of personal jurisdiction based upon their relationship with Allegro).


Manning v. Carnival Corporation, 2012 WL 3962997 (S.D. Fla. 2012)(“Manning’s son, Tyler, is terminally ill and it was his wish to swim with the dolphins. After discussions with Carnival regarding selection of the tour operator, Manning selected the Control adora Dolphin SA de CV as the tour operator for the dolphin encounter at Cozumel, Mexico. After the dolphin encounter...Plaintiff walked down an unreasonably dangerous stairway to get to the beach and lost her footing, falling and fracturing her left ankle”; McLaren v. Celebrity Cruises, Inc., 2012 WL 1792632 (S.D. Fla. 2012)(cruise passenger severely injured disembarking from tour boat to dock); Gibson v. NCL (Bahamas) Ltd., 2012 WL 1952667 (S.D. Fla. 2012)(cruise passenger injured when tour bus employee “without warning roughly grabbed her in an attempt to heave her unto the ‘Jungle Bus’”).

State Law:


107. See Kalter v. Grand Circle Travel, 2009 WL 1916242 ( C.D. Cal. 2009 )( “Jill Kalter purchased a Grand Circle ‘ Amazon River Cruise & Rain Forest ‘ tour along with an optional post- trip extension to visit the Inca ruins at Machu Picchu...Approximately one hour after venturing out on her own, Kalter became lost and disoriented and was concerned about connecting with her group so that she would not miss the train...In an effort to get a better view of where she was, Kalter stepped up onto the bottom two floating steps of a vertical wall...Kalter
did not think this was a dangerous act...As a result Kalter fell and suffered serious injuries and is now a quadriplegic “

108. See Steinmetz, Flesh-eating piranhas invade Brazilian beach popular with tourists, www.eturbonews.com (11/18/2011)(“‘I saw that I had lost the tip of my toe. I took off running out of the water afraid that I would be further attacked because of the blood. I am not going back in for a long time’


110. See e.g.,
Second Circuit: Valad v. Club Mediterranee, S.A., 84-CIV-1980 (LBS) (S.D.N.Y. 1980)( horse riding accident alleging failure to give proper riding instructions and failure to render proper medical care; complaint alleged, inter alia, a breach of warranty claim based on the following representation in the tour operator’s brochure “Very special people staff our villages...They’re eager to offer you expert instruction in a wide variety of sports..and not only do we supply first-rate equipment, we supply first-rate instruction...We teach sports seriously at our villages and with safety our foremost consideration. All sports are conducted under the supervision of our trained and certified instructors “).

Third Circuit: May v. Club Med Sales, inc., 832 F. Supp. 937 (E.D. Pa. 1993)( “Plaintiff had a reservation at the Sonora Bay Resort. As part of her activities, Plaintiff went horseback riding. Plaintiff claims that while she was horseback riding, the saddle slipped because it was improperly adjusted, causing her to fall and sustain various injuries ); Tucker v. Whitaker Travel, Ltd., 620 F. Supp. 578 (E.D. Pa. 1985), aff’d mem. 800 F. 2d 1140 (3rd Cir.), cert. denied 107 S. Ct. 578 (1986)( horse riding accident in the Bahamas).

Fourth Circuit: Honeycutt v. Tour Carriage, Inc., 997 F. Supp. 694 (1996)( tourist on package tour to Copper Canyon in Mexico thrown from horse and breaks ankle; tour operator not liable; “Because Plaintiff was in a far better situation to assess the situation she was in [steep terrain and unfit horses during horseback riding excursion] than GOGO Tours and Mann Travelers, they had no duty to warn her of a danger she could have observed but about which they knew nothing “).

State Law:
local Mexican residents having no affiliation with the hotel and since the accident occurred on property owned by the Mexican government defendants owed no duty to plaintiff “

111. See Philippe v. Lloyd’s Aero Boliviano, 589 So. 2d 536 (La. App. 1992), rev’d 710 So. 2d 807 (La. App. 1998) (tour participant suffered bilateral cerebral hemorrhages, rupture of blood vessels in the brain and edema resulting from exposure to inadequate oxygen levels at high altitude and rapid decompression during flight in Bolivia).


113. See e.g., Third Circuit: Wolf v. Fico Travel, 2011 WL 5920918 (D.N.J. 2011) (members of Cutty Sharks Fishing Club traveled to Costa Rica on a fishing expedition...two of the travelers went out on the Don Carlo which capsized “due to turbulent and choppy” waters, one drowned and one swam to shore).


State Law:
Illinois: Stein v. Rio Parismina Lodge, 695 N.E. 2d 518 (Ill. App. 1998) (tourist purchased a fishing vacation tour to Costa Rica from travel agent Fish & Game Frontiers with accommodations at Rio Parismina Lodge; tourist joins fishing trip and is injured when his boat is swamped by waves as river empties into ocean).

114. See e.g., Third Circuit: Hunt v. Global Incentive & Meeting Management, SA, 2010 WL 3740808 (D.N.J. 2010) (same accident involving the Caldwells in Cancun; wrongful death of both plaintiffs; “The van, driven by...Castro and carrying the Hunts along with (the Caldwells) left the airport. Castro did not have a license to drive a motor vehicle...lost control of the van”).


accident in Mexico); Dubret v. Holland America Line Westours, Inc., 25 F. Supp. 2d 1151 (W.D. Wash. 1998) (cruise passengers purchased a shore excursion in Acapulco and while being transported by tour bus were severely injured in accident; bus chaperones having identified themselves as cruiseline’s “representatives” was “insufficient to establish apparent authority”).


State Law:


Florida: Varey v. Canadian Helicopters Limited, Case Co: 95-13755-18 (Fla. Cir. Ct. Broward County) (cruise passengers drowned when helicopter crashes on return to Cozumel, Mexico from tour of ruins at Chichen Itza).


of liability theories); Casey v. Sanborns Inc. of Texas, 478 S.W. 2d 234 (Tex. App. 1972)(rental car accident in Mexico; Texas tour operator held itself out as being in charge and in control of Mexican service provider).

Wisconsin: Griffin v. Mark Travel Corp., 296 Wis. 2d 642, 742 N.W. 2d 900 (2006)(plaintiffs' claim that they were injured when a van in which they were riding from the Cancun, Mexico airport to their hotel crashed).


116. See Isbell v. Carnival Corp., 462 F. Supp. 2d 1232 (S.D. Fla. 2006)(“The excursion consisted of floating down a river in the rain forest in Belize, in and out of caves, while on an inner tube...During the course of the excursion, Plaintiff began to feel ill. Plaintiff’s husband removed her life vest and notice two small puncture wounds on her left upper arm...it was determined that Plaintiff had been bitten by a snake...On October 29, 2004 Plaintiff allegedly suffered a heart attack. Subsequently Plaintiff underwent a successful cardiac surgery...Plaintiff alleges that the snake bite and the treatment that she received as a result thereof have caused a myriad of long term physical and psychological effects that are compensable in this action ‘‘”).

117. See Mayer v. Cornell University, 107 F. 3d 3 (2d Cir. 1977), cert. denied 1997 WL 336602 (1997)(bird watcher on Cornell University sponsored 28 day tour of Costa Rica drowns while snorkeling off Il DeCano in the Pacific Ocean; plaintiffs alleged that defendants were negligent, inter alia, in failing to have personnel trained in CPR and life-saving techniques available to assist after the drowning and failing to make available and timely provide emergency medical care “).


State Law:

California: DeRoche v. Commodore Cruise Line, Ltd., 31 Cal. Rptr. 2d 278 (Cal. App. 1994)(a cruise ship passenger who was injured during a shore excursion in Mexico was treated and underwent surgery at a local Mexican clinic which the cruise ship doctor recommended. The treatment was substandard and upon
returning to San Francisco, the passenger underwent additional surgery to correct the malpractice performed on him in Mexico).

119. See Terrorists execute group of tourists in central Afghanistan, ETN (7/25/2014); Ahmed & Rosenberg, Deadly Attack at Kabul Restaurant Hints at Changing Climate for Foreigners, www.nytimes.com (1/18/2014); Nordland & Rosenberg, Suicide Bomber Strikes Vehicles Carrying Foreigners in Kabul, www.nytimes.com (9/18/2012) (“Fourteen people, 10 of them foreigners, were killed by a suicide bomber on Tuesday, bringing to at least 28 the number of deaths attributed to unrest sweeping the Muslim world as a result of an amateurish video parodying the Prophet Muhammad”).

120. See Air Algerie planes cashes in “high risk” flight zone, ETN (7/24/2014); Nossiter, Militants Seize Americans and Other Hostages in Algeria, www.nytimes.com (1/16/2013) (“Algerian officials said at least two people, including a Briton, were killed in the assaults which began with a predawn ambush on a bus”); Steinmetz, Report warns of new al-Qaeda hub in North African ‘Arc of Instability’, www.eturbonews.com (3/1/2013) (“A new report on terrorism in North Africa warns of a new al-Qaeda hub for jihadi recruits and a potential launching pad for terrorist attacks...The report say al-Qaeda-led extremists attempted seizure of Mali’s capital and their deadly attack on Algeria killed 37 foreign hostages resulted from a regional terrorism threat”).

121. See Steinmetz, Deadly shark attacks killing tourism in Western Australia, www.eturbonews.com (7/19/2012).

122. See Steinmetz, Singaporean visitor dies while climbing Mount Batur, www.eturbonews.com (12/23/2012) (“A Singaporean tourist died suddenly while climbing Mount Batur on the resort island of Bali”); Steinmetz, One Australian visitor dies in Bali every nine days, www.eturbonews.com (8/12/2012) (“Consular officials say alcohol and drugs fuel many of the accidents, while nightclub fights are among the biggest cause of trouble for thousands of Aussies who fly to the tropical island every year. Information release by the Department of Foreign Affairs reveals 39 Australians died in Bali in 2011-12. Another 93 sought consular help after being taken to hospital while 36 were arrested, 18 jailed and eight needed support after being attacked...traffic accidents were the biggest cause of deaths after natural causes”).

123. See Passenger train crashes into a tour bus leaving 9 dead, 50 injured, ETN (8/1/2014).
124. See Shea v. Global Travel Marketing, Inc., 2003 WL 1916874 (Fla. App. 2003) ("The child, age eleven, was killed while on safari with his mother in Botswana. He was sleeping alone in a tent at a campsite when he was dragged from his tent and mauled by hyenas") reversed and remanded 908 So. 2d 392 (Fla. Sup. 2005).

See also: Steinmetz, Pilot, seven tourists die in Botswana charter plane crash, www.eturbonews.com (10/18/2011).


126. See e.g.,
   Second Circuit: Barkanic v. General Administrator of Civil Aviation, 923 F. 2d 957 (2d Cir. 1991) ("On January 18, 1985, Peter Barkanic and Donald Fox, citizens of the District of Columbia and New Hampshire, respectively, were killed in the crash of a Chinese plane en route from Nanking to Beijing, China...\n   (liability limited to $20,000 applying Chinese law; Warsaw and Montreal Conventions do not apply to intra-country air transportation).\n
Foreign Law:
   Great Britain: Wong Mee Wan v. Kwan Kin Travel Services Ltd., 4 All. ER 745 (1995) (Hong Kong tourist drowns as a result of speedboat accident crossing a lake in China).

   See also: Steinmetz, US and Taiwanese tourists killed in China’s Hunan province, www.eturbonews.com (4/30/2013) ("tour bus "turned over and fell from a cliff in China’s Hunan province"); www.eturbonews.com (11/5/2012) (three Japanese tourists dead after being stranded overnight on the Great Wall); Santora, Two Americans Are Buried a Year After a Train Crash in China, www.nytimes.com (9/1/2012) ("A year ago Cao Erxing and his wife, Chen Zengrong, both 56, were killed in a high speed train crash in China...which left 40 people dead and 191 passengers injured in July 2011. The accident rattled the Chinese government and raised questions about the safety of the nation’s high-speed rail system"); 51 Dead in China Travel Accidents, www.voanews.com (May 22, 2010) (bus and railroad accidents kill 51 persons and injure 71 other rail passengers).

127. See At least 60 dead in Congo train crash, ETN (4/24/2014); Linda, Another plane crash in Goma shakes Congo travelers, www.eturbonews.com (5/4/2013) ("A Fokker 50 aircraft owned and operated by...Compagnie Africaine d’Aviation, crashed this afternoon while attempting to land in Goma...killing at least 36
crew and passengers”).


129. See Guidi v. Inter-Continental Hotels Corp. 203 F. 3d 180 (2d Cir. 2000) (“In October 1993 [the guests] were in Egypt on business. While eating dinner in the restaurant of the Semiramis Inter-Continental Hotel...all three men were shot by an Egyptian gunman named Farahat...In addition to the three Americans, Farahat shot a Syrian lawyer, a French lawyer and Italian judge “; defendants’ forum non conveniens motion denied; plaintiff’s emotional burden in being to litigate in Egypt must be considered); Niv v. Hilton Hotels Corporation, 2008 WL 4849334 (S.D.N.Y. 2008) (“This action arises out of the tragic events that took place on October 7, 2004 at the Hilton Taba Hotel in Taba City, South Sinai, Egypt when a terrorist drove a vehicle with explosives into the lobby of the hotel, causing an explosion and the hotel’s collapse. Plaintiffs are 157 individuals who were guests or whose decedents were guests of the Hilton Taba Hotel on October 7, 2004. Plaintiffs contend that the Hilton Taba Hotel is ‘a long-favored holiday destination ‘ for Israelis and that the hotel markets to Israeli tourists”); Klinghofer v. S.N.C. Achille Lauro, 795 F. Supp. 112 (S.D.N.Y. 1992) (cruise passenger in wheelchair murdered by PLO terrorists).

See also: Sheikh & Fahim, Dozens Are Killed in Street Violence Across Egypt, www.nytimea.com (10/6/2013); Baran, Fatal hot-air balloon crash latest in Egypt’s tourism setbacks, Travel Weekly, May 4, 2013 p. 9 (“At least 18 foreign tourists were killed last week in a hot-air balloon crash near Luxor...caught on fire and crashed into a field (plunging 1000 feet)”); Steinmetz, 1 Chinese tourist killed, 3 injured in Egypt, www.eturbones.com (3/3/2013) (“A mini-bus overturned Saturday morning on the highway from Egypt’s Aswan to tourist attraction Abu Simbel, killing one Chinese tourist and leaving another 143 people on board injured-among them three Chinese nationals’); See Steinmetz, 19 tourists killed as hot air balloon explodes, crashes in Egypt, www.eturbones.com (2/25/2013) (“19 foreign tourists were killed when a hot air balloon exploded and plummeted from the sky in southern Egypt...A total of 21 people were in the balloon when it fell about 300 meters...in the city of Luxor”); Steinmetz, Egyptian Jihadist leader calls for destruction of pyramids and the Sphinx, www.eturbones.com (11/12/2012) (“El-Gohary, a Salafist Jihadist leader in Egypt, fought with the Taliban movement in Afghanistan in the 1990s...’We will demolish the pyramids and the Sphinx like we did with Buddha’”); Linda, Why are terrorists attacking tourists?,
www.eturbonews.com (4/17/2012) (“With the rebels, including Islamist factions preaching Sharia of Island, now in control of Timbuktu’s streets, tourists may not return soon...On October 21, 1992, militants ambushed a tourist bus, killing a British woman and injuring two British men. The woman was the first foreigner to die in militant-related violence in Egypt...Egyptian militants considered this development real success as it got international attention about their fight against the then Egyptian government and it was an easy way to promote their struggle....To understand the trend of terrorism against tourism, one can cite the following terrorist attacks on tourists or tourism destinations to look at the similarities of these events (1) Gunmen in Ethiopia’s arid north attached a group of European tourists traveling in one of the world’s lowest and hottest regions, killing five, wounding two and kidnapping two... (on) January 18, 2012. (2) The 2005 Sharm el-Sheikh attacks were a series of terror attacks on July 23, 2005, perpetrated by an Islamist organization, targeting the Egyptian resort city of Charm el-Sheikh...Eight-three people were killed, the majority of them Egyptians and over 200 were wounded by the blasts...(3) The 2003 Casablanca bombings were a series of suicide bombings on May 16, 2003...Forty-five people were killed...(12 suicide bombers and 33 victims)...(4) The Luxor Massacre refers to the killings of 62 people, mostly tourists that took place of November 17, 1997...the majority of attacks on tourists were in the poorest countries of the world where tourism could play a pivotal role to enhance economies”); Steinmetz, Eleven Hungarian tourists killed in Egypt, www.eturbonews.com (11/7/2011).

130. See Steinmetz, Tourist feared to have been eaten by cannibals in French Polynesia, www.eturbonews.com (10/17/2011).

131. See Steinmetz, Two crashes in one weekend shock Africa’s frequent flyers, www.eturbonews.com (6/4/2012)(147 passengers die in crash of Dana Air commercial aircraft in Lagos preceded by crash in Accra killing a dozen people)

132. See e.g.,
   Foreign Law:
See Deadly rafting accident for tourist in Kashmir, ETN (5/9/2014); Sengupta, “At Least 100 Dead in India Terror Attacks”, The New York Times at nytimes.com, November 27, 2008 ("Coordinated terrorist attacks struck the heart of Mumbai, India’s commercial capital, on Wednesday night, killing dozens in machine-gun and grenade assaults on at least two- five star hotels, the city’s largest train station, a Jewish center, a movie theater and a hospital. Even by the standards of terrorism in India, which has suffered a rising number of attacks this year, the assaults were particularly brazen in scale and execution. The attackers used boats to reach the urban peninsula where they hit and their targets were sites popular with tourists. The Mumbai police said Thursday that the attacks killed at least 101 people and wounded at least 250. Guests who had escaped the hotels told television stations that the attackers were taking hostages, singling out Americans and Britons...Hours after the assaults began, the landmark Taj Mahal Palace & Tower Hotel, next to the famed waterfront monument the Gateway of India, was in flames. Guests banged on the windows of the upper floors as firefighters worked to rescue them. Fire also raged inside the luxurious Oberoi Hotel according to the police. A militant hidden in the Oberoi told India TV on Thursday morning that seven attackers were holding hostages there. 'We want all mujahedeen in India released and only after that we will release the people', he said. Some guests, including two members of the European Parliament who were visiting as part of a trade delegation, remained in hiding in the hotels, making desperate cellphone calls, some of them, to television stations, describing their ordeal").

See also: Steinmetz, Dutch tourist confesses to murdering British backpacker, www.eturbonews.com (4/9/2013)(“The Dutch tourist who was arrested for the alleged murder of a British woman...(who) had also been raped (and) stabbed ...repeatedly in the private parts, thighs and the abdomen”); Steinmetz, Tourist from Switzerland found dead in India hotel, www.eturbonews.com (10/14/2012)(“A 65-year-old tourist from Switzerland was found dead at a hotel in Pushkar town of Sunday”); Steinmetz, Indian Mujahideen bandits target growing tourism industry, www.eturbonews.com (12/5/2011)(“India’s growing tourism industry is now on the radar of the Indian Mujahideen terror outfit which appears determined to project India being unsafe for tourists”).


See also: Three French visitors killed in Jordan, ETN (3/10/2014); Steinmetz, Belgian visitors killed in Jordan coach accident, www.eturbonews.com (10/28/2012)(“Four Belgium tourists
have been killed in a coach accident in central Jordan...vehicle carrying the tourists overturned after a collision with another vehicle”).

135. See e.g.,
Third Circuit: Abercrombie & Kent v. Carlson Marketing Group, 1990 WL 20213 ( E.D. Pa. 1990 ) ( tour participants on safari tour killed when plane crashes into mountain in Kenya; passengers claims settled for $3,000,000; indemnification sought).
State Law:
Washington: Rizzutti v. Basin Travel Service, 125 Wash. App. 602, 105 P. 3d 1012 ( 2005 ) ( “ In early 1999, Ms. Rizzuti contacted...( Basin Travel Agency )“ ) about booking travel on the Livingstone Safari, a package tour of Africa arranged by Americrobie & Kent International ( A&K ) an Illinois based tour operator. The Livingstone Safari included roundtrip airfare from Los Angles and all transportation, accommodations, and meals during the 15-day tour of Africa...The Livingstone Safari included a flight between Nairobi, Kenya and Arusha, Tanzania, that A&K chartered on Northern Air. Ms. Rizzuti and all other passengers and crew were killed in early September 1999 when the Northern airplane crashed into Mount Meru “).

See also: See Steinmetz, German tourists killed in Kenyan plane crash, www.eturbonews.com (8/23/2012)(“Four people dies when a small passenger plane crashed on the runway in Kenya’s renowned Masai Mara national park...There were 11 foreign tourists on board of the aircraft: five Germans, two Americans and two Czechs. Two Kenyan pilots and two German tourists were killed”); Steinmetz, Attack on British and Swiss Tourists in Kenya, www.eturbonews.com (11/7/2011)(“ The attack took place north of Isiolo in an area with several games reserves that is also known for banditry”); Steinmetz, Terror attack in Nairobi disco leaves 14 wounded, www.eturbonew.com (10/24/2011) (“A grenade exploded in a nightclub in the bustling centre of Kenyan capital Nairobi...the attack came a week after Kenya launched a cross-border operation against al Qaeda-linked al Shabaab militants in Southern Somalia after a wave of kidnaps of foreigners on Kenyan soil”); Sayare, Frenchwoman Abducted in Kenya Dies, www.nytimes.com (10/21/2011) (“The woman, Marie Dedieu, 66, was dragged from a beachfront bungalow on Manda, an island that is a tourist destination... Witnesses said a small group of heavily armed Somalis beached their speedboat in front of her home...A recovering cancer patient and quadriplegic who had lived on the island for years, Ms. Dedieu was taken without her wheelchair or medication”)

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136. See Steinmetz, Despite new regulations drunken tubing goes on in Laos, www.eturbonews.com (9/17/2012) (“Attempts by Laos authorities to limit the damage caused by the tourist craze of ‘tubing’—floating down river in the inner-tube of a tire—may have had mixed success. After a spate of tourist deaths on the Nam Song River in Vang Vieng, Laos, authorities from the capital have closed more than two dozen of the riverside and late-night island bars that are pit-stops for tubing tourists”).

137. See British visitor vanishes in Malaysian jungle, ETN (6/1/2014); British tourist killed in Malaysia bus crash, ETN (4/20/2014).

138. See Maldives no longer safe for Israeli tourists?, ETN (7/30/2014) (“34 tourists were threatened and evacuated by Maldives security authorities on the Maldives holiday of Kaafu Thulusdho”)

139. See Steinmetz, How safe is Mali?, www.eturbonews.com (11/30/2011) (“Following the recent kidnaping of three tourists—one of which is a Dutchman—and the killing of a German in the town of Timbuktu in North Mali...His safe is Mali?”).

140. See Steinmetz, Belgian tourist missing in Himalayas found dead with her head cut off, www.eturbonews.com (6/27/2012) (“A female hiker who went missing in the Himalayas was found ten days later with her head cut off...The Belgian’s death in Langtan National Park, on the border with Tibet, is the latest in a string of assaults and disappearances of young women in Nepal’s Himalaya national parks. The U.S. Embassy has now issued a warning against women trekking solo in the region”); Steinmetz, 19 dead in plane crash near Kathmandu, www.eturbonews.com (9/27/2012) (“Sita Air Dornier aircraft, which was carrying 16 passengers and three crew members, caught fire and crashed on Friday morning near Kathmandu airport. All 19 people...reportedly have died in the crash...the plane was heading to the city of Likla—a transit hub for the tourists and mountain climbers heading for Mount Everest”).

141. See Steinmetz, NZ police wants tourist warned after visitor killed in car crash, www.eturbonews.com (1/6/2013) (“A 61 year old Israeli woman died and two others were taken to Southland Hospital after their rented Toyota Corolla left the road and crashed into a tree’); Steinmetz, Mad Dog River Boarding fined over tourist’s death, www.eturbonews.com (8/25/2009) (“A New Zealand court fined an adventure tourism company...and ordered it to pay reparations to the family of an English woman who drowned while river boarding. Mad Dog River Boarding pleaded guilty to
two counts of negligence”).


143. See Steinmetz, North Korea blames Seoul for the death of Mt. Kumgang tourist, www.eturbonews.com (12/10/2012)(“North Korea...claimed the July 2008 shooting death of South Korean tourist by the North’s troops at Mt. Kumgang resort was the ‘product of a deliberate scheme’ from Seoul...North Korea blames South Korea for failing to control visitors and insists the tours, which had been a substantial cash cow for the cash-strapped regime, must resume, even though the Stalinist country has adamantly refused to offer security guarantees or permit the South to investigate the incident”).


Se also: Sea view beach tragedy: 24 bodies of tourists recovered so far, many still missing, ETN 8/1/2014); Terror attack on PIA flight—one woman killed, ETN (6/24/2014); Linda, Taliban killed 22 more in Mansehra, www.eturbonews.com (8/17/2012)(“After ruling Swat Valley for years and destroying the tourism industry, the Taliban has successfully established their base in another beautiful valley of Pakistan—Naran Valley—and they have killed 22 people on 3 passenger buses that (were) traveling on Karakuram Highway from the Babusar Pass”); Bradsher, “Analysts Say It Will Be Difficult to Shield Luxury Hotels From Terrorist Attacks “, The New York Times, nytimes.com, December 1, 2008 (“For decades, luxury hotels have been an oases for travelers in developing countries, places to mingle with the local elite, enjoy a lavish meal or a dip in the pool and sleep in a clean, safe room. But last week’s lethal attack on two of India’s most famous hotels—coming just two months after a huge truck bomb devastated the Marriott in Islamabad, Pakistan—have underlined the extent to which these hotels are becoming magnets for terrorists. Worse, hotel executives and security experts say that little can be done to stop extensively trained gunmen with, military assault rifles and grenades who launch attacks like the ones that left this city’s Oberoi and Taj Mahal Palace & Tower strewn with bodies “”).

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145. See One Chinese tourist killed, another wounded in Manila shooting, ETN (5/5/2014); Philippines and Hong Kong settle row over killed tourists, ETN (4/25/2014); Steinmetz, German tourists, tour guide killed in Philippine volcano eruption, www.eturbonews.com (5/8/2013) (“Three German tourists and their Filipino tour guide were killed yesterday when the Mayon volcano exploded into life, spewing massive boulders ‘as big as cars’ and a giant ash cloud”).


147. See Steinmetz, Two dead, dozens injured in South Africa tourist boat disaster, www.eturbonews.com (10/14/2012) (“A Brit is reported to be among the dead after a seal-watching boat carrying 41 passengers capsized in rough waters of Cape Town...The locally-owned motorized boat (carried) regular whale, dolphin and seal watching tours”); Geldenhuys, Crimes Against Tourists www.servamus.co.za (4/30/2008) (“The escalation of crime in South Africa has caused feelings of fear among local foreign tourists who visit holiday resorts...Some tourist attacks that have made news headlines are the following: On 24 March 2008, 14 tourists from Canada, Britain and the USA were robbed at gunpoint by three men of money, cameras and cellphones...On 24 January 2008 two German tourists were robbed in the Johannesburg City Centre. Three men forced open the windows of the vehicle the tourists were traveling in and stole passports, cameras...On 2 July 2005 a group of tourists...were attacked and held at knife point while on a hike just outside Port St. Johns...In 2000 a Polish honeymoon couple were brutally attacked at a look-out post at the Sterkfontein dam near Harrissmith. After murdering the groom, the criminals gang-raped the women on several occasions”).

148. See Sang-Hun, Fackler, Cowan & Sayare, In Ferry Deaths, a South Korean Tycoons Downfall, www.nytimes.com (7/26/2014) (“one of the worst peacetime disasters in the nation’s history—the sinking of the ferry Sewol in April, which killed 304 passengers, the vast majority of them high school students”).

149. See Linda, Another Antonov crash rocks Sudan, www.eturbonews.com (10/7/2012) (“Sudan has suffered a significant number of civilian and military air accidents, often with former Soviet Union era aircrafts involved, as is the case here, and suspicions regularly focused on poor maintenance, often allegedly falsified maintenance records and lack of crew training on simulators...While many African countries have moved to ban the registration and in part even the use of these ancients aircraft, the Sudan—as has the Congo DR with an equally bad aviation...”)
record—has continued to permit the use of such stone age birds”). Steinmetz, Sudan airline crash kills 31, www.eturbonews.com (8/20/2012) (“The Sudan has one of the worst aviation accident records in Africa, often attributed to poor aircraft maintenance and the lack of regular crew training as required for commercial aviation and also the use of ‘stone-age’ generation Soviet era aircraft, which have long been banned from registration and use in many other jurisdictions”). See also: Clark, E.U. Expands Airline “Blacklist”, www.nytimes.com (4/1/210) (“The European Union on Tuesday banned all airlines from the Philippines and Sudan from flying into the region’s airports, citing ‘serious safety deficiencies’ found by the United Nations and U.S. aviation authorities”).

150. See Sun v. Taipei Economic, 2002 WL 464512 ( 9th Cir. 2002 ) (student drowns at Little Bay beach; failure to warn of “beach was dangerous because it was exposed to severe undertow, high waves and surf “); Sun v. Taiwan, 1998 WL 738002 ( N.D. Cal. 1998 ), rev’d 201 F. 3d 1105 ( 9th Cir. 2000 ) (tourist drowns during recreational visit to Ken-Ting National Park).

See also: TransAsia passenger planed crashed in Taiwan, ETN (7/23/2014).

151. See Weinberg v. Grand Circle Travel LLC, 2012 WL 4096611 (D. Mass. 2012) (“This negligence action...involves two Florida resident who planned an African safari vacation with a Massachusetts travel agent, only to become victims of a tragic hot air balloon crash in the Serengeti. One victim was killed in the crash and the other, the deceased’s fiancee, sustained severe bodily injuries, allegedly due to the negligence of the balloon company...brought action against a Massachusetts company, Grand Circle Travel (‘Overseas Adventure’), a Tanzanian corporation, Tourism and Public Relations Services Limited trading as Serengeti Balloon Safaris (‘Tourism Services’) and an English company, Serengeti Balloon Safaris, LTD (‘Serengeti Balloon’) seeking compensatory and punitive damages on claims of strict liability, negligence, gross negligence and recklessness”; motion of Tourism Services and Serengeti Balloon to dismiss for lack of personal jurisdiction granted; “It seems unfair that the Serengeti defendants can reap the benefits of obtaining American business and not be subject to suit in our country”).

Dar es Salaam with a number of her colleagues on Sunday, saw a car drive up to her, and then arms stretched from the window, grabbing hold of her handbag, dragging her to her death when attempting to speed away”); Linda, Bandits kill Dutch tourist and his guide at Serengeti National Park, www.eturbonews.com (6/25/2012) (“A Dutch tourist and a Tanzanian national were on Thursday killed by suspected bandits after the latter invaded the Ikona Wildlife Management Area on the outskirts of the Serengeti National Park”).

See also: Steinmetz, Belgian tourist missing in Himalayas found dead with her head cut off, www.eturbonews.com (6/28/2012).


153. See British tourist beaten to death in Thai prison, ETN (5/10/2014); Five tourists killed in Thai game reserve, ETN (3/14/2014); Happy New Year Thailand: 102 killed, 893 injured, first two days of Songkran 2014, ETN (4/14/2014); Steinmetz, Phuket police chief asks for help to reduce number of crimes against visitors, www.eturbonews.com (3/14/2013) (Phuket police chief “called for 5,000 more officers to help protect tourists from...’mafia-style’ crime...The figures revealed that seven expats have been murdered in the resort since 2010 and that last year, foreigners were the victims of two rapes, 13 violent crimes, 13 attempted robberies and 46 cases of fraud. In the same year, 193 foreigners were also arrested for drinks, drugs drink driving offenses. The biggest cause of death to foreigners in the resort was drowning...with right deaths in 2012”); Steinmetz, Body of Dutch visitor found off Phuket’s famous Patong Beach, www.eturbonews.com (1/13/2013) (“The body of a 17 year old Dutch tourist was found floating in the sea (had been) struck by solid object on the back of the skull”); Steinmetz, Thai suspect arrested over murder of UK visitor, www.eturbonews.com (1/2/2013) (“Police in Thailand arrested as man in connection with the killing of a British tourist who was shot dead at a New Year’s Eve party after getting caught in the crossfire of a gunfire fight between two local gangs”); Steinmetz, Australian and Canadian visitors die in Bangkok hotel, www.eturbonews.com (10/26/2012) (“An Australian and a Canadian tourist have been found dead in a Bangkok hotel after a suspected drug overdose”); Steinmetz, Korean tourist drowns in Phuket, www.eturbonews.com (9/30/2012); Steinmetz, 4 killed, 20 injured in Phuket nightclub inferno, www.eturbonews.com (8/17/2012) (“A fire ripped through a
nightclub popular with foreign tourists in Thailand early Friday...Hospital workers said foreigners were among the casualties in the blaze at the Tiger disco on the island of Phuket”); Steinmetz, Four foreign tourists killed Phuket crash, www.eturbonew.com (3/6/2012)(“a pileup that brought the total toll in that area to 14 dead in three horror smashes in just over a month”); Steinmetz, German tourist killed while elephant trekking in Krabi, www.eturbonews.com (12/1/2011)(“A German woman has been killed in controversial circumstances in an elephant trekking tragedy in the [province of Krabi not far from Phuket...One tourist has been killed and two other tourists have been seriously injured...over the past two years in male elephant rampages”).

154. See Women Alert to Travel’s Darker Side, www.nytimes.com (5/23/2014)(“Ms. Sierra, a New Yorker and a first-time traveler abroad, disappeared...What happened to her is still a little unclear, but a Turkish man has reportedly confessed to killing her after supposedly trying to kiss her”).

155. See Haubner v. Abercrombie & Kent International, Inc., 351 Ill. App. 3d 112, 812 N.E. 2d 704, 285 Ill. Dec. 884 ( 2004 ) ( " On March 1, 1999 Haubner and Rockwell were abducted from their tent and murdered by suspected Interhamwe rebels while vacationing at the Gorilla Forest Camp in the Bwindi Impenetrable Forest National Park...The complaint alleged that the Illinois A&K defendant owned and operated the Gorilla Forest Camp where the decedents were lodging. The complaint further alleged that the Illinois A&K defendants were negligent in failing to warn the decedents about various acts of civil unrest and armed violence occurring along the Ugandan border and in failing to provide adequate security at the Gorilla Forest Camp ”).

156. See France charges Yemen Airways with manslaughter over 2009 crash, ETN (1/29/2014)(“France has charged Yeminia Airways with manslaughter over a 2009 crash off the Comoros islands in which 152 people were killed...The 19-year old jet (A310) had been banned from French airspace”).

157. See Zahori & Sukhanyar, Taliban Attack Lakeside Resort Hotel Near Kabul, Taking Families Hostage, www.nytimes.com (6/21/2012)(“ As families ate a late dinner at a popular lakeside resort hotel here on a warm summer night, at least three Taliban shot their way into the compound, entered the dining room and took an unknown number of hostages”).

158. See Nossiter, Militants Seize Americans and Other Hostages in Algeria, www.nytimes.com (1/16/2013)(“Algerian officials said
at least two people, including a Briton, were killed in the assaults which began with a predawn ambush on a bus”.

159. See Steinmetz, Dingo steals bag with cash and jewelry from British tourist, www.eturbonews.com (12/17/2012) (“A dingo has been put down after stealing a British tourist’s bag containing cash and jewelry on a New South Wales beach...’It was established that this animal has been the subject of numerous complaints in the prior three months, jumping onto barbeques in the van park and approaching and stealing things from people”).

160. See Thieves take $350,000 from Australian hotel mogul, ETN (6/19, 2014).

161. See Visitors to Guanhzhou, China: Be aware of violent and deadly knife attacks, ETN (5/6/2014).

162. See Steinmetz, Ukrainian tourist arrested at Dubai airport for assaulting police officer, www.eturbonews.com (12/27/2012) (“A woman tourist insulted a female police officer and assaulted her with a water bottle while being detained at Dubai airport”).

163. See e.g.,

Third Circuit: Hodes v. S.N.C. Achille Lauro ed Altri-Gestione, 858 F. 2d 904 ( 3d Cir. 1988 ), cert. denied 480 U.S. 1001 ( 1989 ) ( The Achille Lauro, Italian owned and flagged, was scheduled for an 11-day Mediterranean cruise, departing and returning to Genoa, Italy. While off the coast of Egypt, it was boarded and seized by Palestinian terrorists. The ships and its passengers were held hostage for three days. One passenger, an American citizen named Leon Klinghoffer, was murdered ).

Second Circuit: Klinghoffer v. S.N.C. Achille Lauro Ed Altri-Gestione, 739 F. Supp. 854 ( S.D.N.Y. 1990 ), rev’d and remanded 937 F. 2d 44 ( 2d Cir. 1991 ), on remand 795 F. Supp. 112 ( S.D.N.Y. 1992 ) ( Leon Klinghoffer, an elderly, wheelchair-bound American citizen, was murdered by Palestinian terrorists when he was thrown overboard apparently after biting a hijacker ).

See also: Steinmetz, Bedouin tribesmen kidnap two American tourists in Sinai, www.eturbonews.com (7/19/2012); Steinmetz, Bedouin gunmen kidnap Brazilian tourists in Sinai, www.eturbonew.com (3/19/2012) (“Egypt’s security sources say that two Brazilian visitors traveling through Egypt’s Sinai Peninsula on Sunday have been abducted after a visit to an isolated mountain monastery”); Steinmetz, Kidnapped Korean tourists released in Egypt, www.eturbonews.com (2/13/2012) (“29 hours after they were kidnapped in Egypt’s Sinai peninsula, three Korean tourists have been safely released”); Steinmetz, Two US


165. See Steinmetz, Fiji torture and beatings may put a damper on tourism, www.eturbonew.com (3/7/2013) (“The brutal beating and torture of prisoners in Fiji, captured on video, could prove a turn off for tourists”).

166. See Islamic terrorists target Israeli tourists in India, ETN (19/22/2013); Steinmetz, Kidnappers set conditions for release of abducted Italian tourists, www.eturbonew.com (3/19/2012) (“New Delhi, India. The whereabouts of two Italian tourists kidnaped by Maoists from the Daringbadi area of Odisha’s Kandhamal district remained unknown till Sunday evening”).

167. See German passenger cruise ship under rocket attack in Israel, ETN (7/7/2014).


Steinmetz, Attack on British and Swiss Tourists in Kenya, www.eturbonews.com (11/7/2011) (“The attack took place north of Isiolo in an area with several games reserves that is also known for banditry”); Steinmetz, Terror attack in Nairobi disco leaves 14 wounded, www.eturbonews.com (10/24/2011) (“A grenade exploded in a nightclub in the bustling centre of Kenyan capital Nairobi...the attack came a week after Kenya launched a cross-border operation against al Qaeda-linked al Shabaab militants in Southern Somalia after a wave of kidnaps of foreigners on Kenyan soil”).

169. See Simpson v. Socialist People Libyan Arab Jamahiriya, 362 F. Supp. 2d 168 (D.C.D.C. 2005) (passengers held hostage were “informed that they would be shot if they attempted to leave”).

See also: France and Britain orders citizens in Libya to leave now, ETN (7/28/2014); Two dead, planes damaged, control tower hit by rocket in airport attack, ETN (7/15/2014).

170. See Steinmetz, American tourist robbed and raped in Malaysia, www.eturbonews.com (3/13/2013) (“A 25-year-old American tourist was robbed and raped by two men after being taken on a 80km ride in a taxi”); Steinmetz, Moroccan tourists robbed in Penang, www.eturbonews.com (1/4/2013) (“Three Moroccan tourists who had just arrived at the Penang International Airport here were given a horrifying ride when their taxi driver robbed them and left them in a oil palm estate”).

171. See Steinmetz, How safe is Mail?, www.eturbonews.com (11/30/2011) (“Following the recent kidnaping of three tourists—one of which is a Dutchman—and the killing of a German in the town of Timbuktu in North Mail...How safe is Mali?”). See also: Schmitt, American Commander Details Al Qaeda’s Strength in Mail, www.nytimes.com (12/3/2012) (“Al Qaeda’s affiliate in North Africa is operating terrorist training camps in northern Mali and providing arms, explosives and financing to a militant Islamist organization in northern Nigeria, the top American military commander in Africa said on Monday. The affiliate, Al Qaeda in the Islamic Maghreb, has used the momentum gained since seizing control of the northern part of the impoverished country in March to increase recruiting across sub-Saharan Africa, the Middle East and Europe”).

172. See Mozambique: Rebel attacks ruining tourism, ETN (5/18/2014).


175. See Geldenhuys, Crimes Against Tourists www.servamus.co.za (4/30/2008) (“The escalation of crime in South Africa has caused feelings of fear among local foreign tourists who visit holiday resorts...Some tourist attacks that have made news headlines are the following: On 24 March 2008, 14 tourists from Canada, Britain and the USA were robbed at gunpoint by three men of money, cameras and cellphones...On 24 January 2008 two German tourists were robbed in the Johannesburg City Centre. Three men forced open the windows of the vehicle the tourists were traveling in and stole passports, cameras...On 2 July 2005 a group of tourists...were attacked and held at knife point while on a hike just outside Port St. Johns...In 2000 a Polish honeymoon couple were brutally attacked at a look-out post at the Sterkfontein dam near Harrissmith. After murdering the groom, the criminals gang-raped the women on several occasions”).

176. See Linda, Another robbery gone wrong kills tourist in Dar es Salaam, www.eturbonews.com (9/25/2012)(“A visiting medical doctor from Greece, walking along the Ali Hassan Mwinyi Road in the center of Dar es Salaam with a number of her colleagues on Sunday, saw a car drive up to her, and then arms stretched from the window, grabbing hold of her handbag, dragging her to her death when attempting to speed away”).

177. See Steinmetz, Tourists canceling trips after ‘Evil man from Krabi’ video emerges, www.eturbonews.com (11/8/2012)(“Large numbers of tourists have cancelled their trips to Krabi after a video clip emerged as a sign of protest against provincial authorities who gave bail to a man accused of (beating and) raping a...27-year-old Dutch woman...in Ao Nang”)...Another incident concerned teenagers attacking a tourist couple. The man was stabbed and wounded severely which his girlfriend barely escaped”.

falling prey to violent Islamist mobs, a Franco-Tunisian politician from the Loire valley has warned, after he narrowly escaped a ‘lynching’ when he returned to his native town for a family holiday”); Gladstone, Anti-American Protests Flare Beyond the Mideast, www.nytimes.com (9/14/2012) (“Anti-American rage that began last week over a video insult spread to nearly 20 countries across the Middle East and beyond...The anger stretched from North Africa to South Asia and Indonesia”).


180. See Fear of terrorism in Central Asia, ETN (12/10/2013) (“The ultimate target of Islamists is to launch an Islamic code of life on the patron of Saudi Arabia in the region including Pakistan, China, Afghanistan, Tajikistan, Uzbekistan, Turkmenistan, Kazakhstan and Russia”).

181. See Steinmetz, Vietnamese authorities: Ha Long Bay tourists being ripped off, www.eturbinews.com (9/25/2012) (“Tour boats in Ha Long Bay...have been banned from stopping at floating fishing villages during tour...the move was aimed at preventing tourist from being disturbed, overcharged or even ripped off which has become a common occurrence at private floating fishing houses”).

182. See Naghui v. Inter-Continental Hotels Group, Inc., 165 F.R.D. 413 (D. Del. 1996) (during plaintiff’s “stay as a guest of defendant’s hotel in Zaire, Africa in March 1993, he was attacked in his room, causing him to suffer personal bodily injury and a loss of $146,000 in property”).


184. See Steinmetz, Swiss tourist arrested in Zimbabwe for ‘insulting’ Mugabe, www.eturbonews.com (9/18/2012) (“a Swiss tourist was arrested at the border of insulting the President...Insulting Mugabe is an offense under sweeping security laws and prosecutions are common...A Zimbabwean carpenter was arrested in February after he questioned whether Mugabe still had the strength to blow up balloons at his 88th birthday”).

184. See Klein, “After Attack, Cruise Ships Rethink Security”, Practical Traveler, N.Y. Times Sunday Travel Section, at p. 6 (December 4, 2005) (“Now the armed attack on the Seaborne Spirit off Somalia has the cruise industry checking its bearings on
security. The Spirit was carrying 151 passengers and 161 crew members when it was fired upon at dawn from two small vessels off the Somalia coast.

186. Women Alert to Travel’s Darker Side, www.nytimes (5/23/2014) (“A Norwegian woman was raped (then jailed, for having ‘unlawful sex’) in Dubai; she and the man accused in her attack were eventually pardoned last summer”).

187. See Women Alert to Travel’s Darker Side, www.nytimes (5/23/2014) (“a British woman said she was raped by a security guard in a luxury hotel in Egypt”).

188. See Women Alert to Travel’s Darker Side, www.nytimes (5/23/2014) (“On Jan. 15, a Danish woman, 51, reported being raped at knife point in New Delhi. She said she had approached the seven or eight men who attacked her to ask for directions to her hotel”; Steinmetz, Female tourist jumps from hotel balcony to escape sexual assault in India, www.eturbonews.com (March 19, 2013) (“A British woman has been injured after jumping from a hotel balcony to escape from alleged harassment in Agra, India... The (British) Foreign Office recently updated its advice for women visiting India...they should use caution and avoid traveling on public transport, or in taxis or auto-rickshaws especially at night...Following an alleged gang rape of a Swiss tourist in Madhya Predesh state last week, police arrested six people”); New Indian law against rape to include death penalty, www.eturbonews.com (2/5/2013) (“The new law against rape in India will help to control ever increasing trend of rapes”).

189. See Women Alert to Travel’s Darker Side, www.nytimes (5/23/2014) (“An American tourist was raped in a store in Israel last June”).

190. See Steinmetz, American tourist robbed and raped in Malaysia, www.eturbonews.com (3/13/2013) (“A 25-year-old American tourist was robbed and raped by two men after being taken on a 80km ride in a taxi”).

191. See Steinmetz, Tourists canceling trips after ‘Evil man from Krabi’ video emerges, www.eturbonews.com (11/8/2012) (“Large numbers of tourists have cancelled their trips to Krabi after a video clip emerged as a sign of protest against provincial authorities who gave bail to a man accused of (beating and) raping a...27-year-old Dutch woman...in Ao Nang”).

192. See e.g., Kidnaped Chinese tourist and Filipino worker freed in Malaysia, ETN (5/30/2014); Cost of maritime piracy has fallen

193. See Steinmetz, 24 Tourists rescued after falling into river in China, www.eturbonews.com (5/2/2013) (“A total of 24 tourists have been rescued after they fell into a river from a tilted suspension bridge at a popular town in central China”).

194. See Australian visitor dies while snorkeling in Fiji, ETN (5/26/2014).

195. See Irwin v. World Wildlife Fund, Inc., 448 F. Supp. 2d 29 (D.C.D.C. 2006) (“ Plaintiffs allege that in June of 2002, Missa arranged, through the Gabonese entity Cecotour, for a trip in a small wooden boat on a lagoon adjacent to Gamba for himself, Irwin and two others...a second boat...collided with the left side of plaintiffs’ boat...The bow of the oncoming boat struck Ms. Irwin in the face, dislodging her orbital ridge and shattering her face. In addition, the bow of the oncoming boat hit metal supports in the boat Ms. Irwin occupied, and the metal supports impaled Ms. Irwin’s skull and tattooed her skin...Ms. Irwin’s injuries are long-term, severe, painful and extensive and they include: loss of sensation and motor function, complete loss of smell and diminished sense of taste, diminished cognitive skills, short-term and working memory loss, shattered sinuses...diminished ability to perceive visual depth ” ).

196. See Ogawa v. U.S. Explore & Study, Inc., 2013 WL 2256220 (D. Guam 2013)(tourist dives into basin, hits head and is rendered quadriplegic; plaintiff’s liability theories included “failing to provide appropriate warnings and instructions at the beginning of the tour and at the spot where the tour participants were encouraged to dive into the waterfall basis, that all entries into the water must only be feet first”; summary judgment for defendants denied).


198. See Lee v. Choice Hotels International, Inc., 2006 WL 1148755 (Del. Super. 2006) (“ the Lees...residents of Seoul, South Korea, embarked upon a vacation tour of Southeast Asia. The
tour was arranged by a South Korean travel agency, Freedom Travel. The tour was to include an afternoon and one night at the Quality Resort Waterfront City, Batam, Indonesia...Of particular interest to the Lees was the large free form pool with a sunken bar which was connected to the children’s pool. The resort was advertised as family friendly...The boys ultimately entered the pool behind their parents but became separated...Bo Hyun found (his son) at the bottom of the large pool unconscious. No lifeguard was seen on duty during this period of time and no other staff assisted in finding Chan Young (who) suffered brain damage and is in a permanent vegetative state “).

199. See Steinmetz, Despite new regulations drunken tubing goes on in Laos, www.eturbonews.com (9/16/2012)(“After a spate of tourist deaths on the Nam Song River in Vang Vieng, Laos, authorities from the capital have closed more than two dozen of the riverside and late-night island bars that are pit-stops for tubing tourists...floating down the Nam Song River in a large tractor-tyre innertube, stopping at the legion of jerry-built bars on the waterside for free shots of drugs, has become a popular pastime”).

200. See Furuoka v. Dai-Chi Hotel, 2002 N. Mar. I. LEXIS 8 (2002) (swimming pool accident at hotel in the Mariana Islands; “It is undisputed that the hotel did not have a lifeguard on duty and that [local law] required a lifeguard to be provided by the hotel “).


202. See Sun v. Taipei Economic, 2002 WL 464512 (9th Cir. 2002)(student drowns at Little Bay beach; failure to warn of “beach was dangerous because it was exposed to severe undertow, high waves and surf “); Sun v. Taiwan, 1998 WL 738002 (N.D. Cal. 1998), rev’d 201 F. 3d 1105 (9th Cir. 2000)(tourist drowns during recreational visit to Ken-Ting National Park).


airport during tour).


Eleventh Circuit: Sachs v. TWA Getaway Vacations, Inc., 125 F. Supp. 2d 1368 (S.D. Fla. 2000) (tourist slips and falls disembarking tour bus in Egypt; “Defendant further asserts that it did not act negligently in selecting Destination Egypt as an independent contractor responsible for the provision of ground-handling services for its ‘Best of Egypt’ tour. Defendant claims that it entered into a contract with Destination Egypt based upon [its] ‘reputation in the travel industry as one of the largest and best ground service providers in Egypt’...since January 1994, approximately, 4,000 individuals have participated in the ‘Best of Egypt’ tour and that during that time period Defendant has never received any reports that any of the 4,000 tour participants had any problems with boarding or disembarking from any of the motorcoaches provided by Destination Egypt”).

State Law:


New York: Elsis v. TWA, 1989 N.Y. Misc. LEXIS 899 (N.Y. Sup. 1989) (Nile cruise boat burns to the waterline requiring passengers to jump into the river leaving their possessions in the burning boat; “defendants undertook a duty to provide a cruise ship with expected safety features such as life boats and preservers”).


207. See Brasher, “Hong Kong Tourism Battered by Outbreak”, N.Y. Times Sunday Travel Section, p. 4 (April 13, 2003) (The skyscrapers and the verdant hills ringing one of the world’s loveliest natural harbors are still here, but most of the tourists have been scared off by an outbreak of the new and deadly disease called SARS, for severe acute respiratory syndrome”).

209. See Fosman, The Law of the Tourist’s Country or the Forum Law when awarding Damages?, Travel Law Journal, Issue 2, p. 47 (1995) (“The suit was filed by the parents of a 17 year old American, John Cohen, who suffered injuries in a fall while touring Israel, when he was taken together with a group of youngsters by the Tour Guide in the Golan Heights on a path explicitly marked ‘forbidden’ falling deeply into a canyon and suffering brain damage almost completely paralyzed and unable to speak...the (Israeli Supreme Court) reduced damages (from $6,863,585.42) to $4,137,037.77 (in accordance with New York State standards for compensatory damages including loss of future earnings and reduced pain and suffering damages from $250,000 to $60,000—which according to the Court is more in (line) with the Israeli Standards...set by Israeli Courts for its inhabitants”).


213. See Taniguchi v. Kan Pacific Saipan, Ltd., 132 S. Ct. 1997 (2012) (“Kouichi Taniguchi, a professional baseball player in Japan...was injured when his leg broke through a wooden deck during a tour of (a resort located in the Northern Mariana Islands owned by Kan Pacific Saipan, Ltd.”).

214. See Larsen v. Hyatt International Corporation, 2011 WL 6937366 (Guam Sup. 2011) (a Guam resident “sprained his ankle while walking off the driveway of the Hyatt Resort and Casino in Manila, Philippines”; motion by defendants U.S. Hyatt International Corporation and Hotel Hotels Corporation to dismiss for lack of personal jurisdiction denied pending limited jurisdictional discovery).


      See also: Steinmetz, British tourist dies after climbing Mount Kilimanjaro, www.eturbanews.com (2/10/2012)(“A British man collapsed and died just a few minutes after reaching Africa’s highest peak, Mount Kilimanjaro, the climb which he wished to fulfill during his lifetime...trip organized by Team Kilimanjaro, a company which specializes in climbing holidays on the mountain”).

217. See Isham v. Pacific Far East Line, Inc., 476 F. 2d 835 (9th Cir. 1973) ( passenger broke both wrists in accident while being transported ashore to Wake Island ).

218. See Tourists warned about deadly crocodile attacks in Australia, ETN (6/8/2014); Steinmetz, Tourists spend 22 hours trapped up a tree hiding from crocodiles, www.eturbanews.com (1/21/2013)(“Four Dutchmen who spent a terrifying day trapped up a tree hiding from a crocodile finally rescued yesterday-luckily with only bites from mosquitoes and sand flies”); Steinmetz, British tourist wrestles 6.5 foot shark away from paddling children, www.eturbanews.com (1/20/2013)(“British tourist came to the rescue of a group of paddling toddlers as he wrestled a shark heading towards them”).

219. See MacLachlin v. Marriott Corporation, New York Law Journal, January 18, 1994, p. 29, col. 2 ( N.Y. Sup. 1994 ) ( “ Plaintiff and a friend...Yorke booked the Q8 Marriott Vacation Tour under Marriott’s Honored Guest’s Awards Program (HGA) which, inter alia, included air-fare to Egypt and a stay at the Cairo Marriott Hotel & Casino (the Cairo Marriott). Plaintiff and Yorke claim that upon arriving at the Cairo Marriott, they arranged to take various tours through the Marriott tour desk. Plaintiff alleges that on the morning of August 25, 1991, Abou Aziza (Aziza), the Cairo Marriott bell captain, stated that he could arrange a tour of the Sound and Light Show at the Pyramids that evening, to which the plaintiff and her companion agreed. Plaintiff contends that Aziza subsequently drove her and Yorke to a stable and informed them that a horse or camel were the only means available to reach the Pyramids. Plaintiff maintains that she explained to Aziza that she was afraid to ride a camel but was assured by Aziza that the camel and the camel path were ‘perfectly safe’ and that a trained handler would guide the camel along the route. Plaintiff alleges that her camel was subsequently tied to Yorke’s camel and they were led down the..."
trial by a young boy (the Camel Guide), a practice plaintiff avers was not in keeping with Egyptian law which requires one adult handler per camel. Plaintiffs claim that the path she was taken on was rocky, unlevel and strewn with debris, and that the Camel Guide continually beat the legs of both camels to prod them along. At some point, plaintiff avers that her camel stumbled and tripped, ‘probably on some rocks or debris‘ and with a loud cry the camel threw her into the air. Plaintiff landed on the rocky road where she remained until Aziza assisted her into his car and drove to the Pyramid Hospital. The fall allegedly caused plaintiff to break six ribs and fracture her pelvis...Even assuming that Aziza arranged the Pyramid Tour on his own accord, the allegations of plaintiff concerning how she was offered and subsequently booked the camel trip by the Bell Captain in the lobby of the Caro Marriott and subsequently driven to the camel stable in what appears to a an official Cairo Marriott car, in addition to Marriott’s brochures which promoted the Q8 vacation and lauded the preferential treatment plaintiff and her companion would receive, raise factual issues as to whether defendant should be estopped from disclaiming liability for the negligence of an independent contractor...and as to whether that contractor’s negligence was the proximate cause of plaintiff’s injuries. Contrary to defendant’s contention, the question is not whether plaintiff was a sophisticated traveler and was at fault, but, rather was the employee of Marriott’s subsidiary negligent in the performance of his official duties and whether such duties included the planning, arranging and booking of the ill-fated camel ride to the Pyramids “). See also: Steinmetz, EgyptAir passenger bitten by a snake on plane, www.eturbonews.com (12/3/2012)(“An EgyptAir pilot made an emergency landing...after a snake bit a Jordanian passenger. The snake was apparently concealed in his luggage”).

220. See Hall v. Voyagers International Tours, Inc., 2007 WL 2088878 (N.D.N.Y. 2007)(“This action stems from the death of Donald Hall...when he was trampled by a wild elephant during a photographic safari operated by Wilderness Safaris Namibia in Namibia...There is evidence in the record that, if believed by a jury, would support a determination of direct negligence on the part of Voyagers...there is evidence that would support a determination that Voyagers was vicariously liable for the conduct of Wilderness under a theory of apparent agency or agency by estoppel “).

221. See Steinmetz, German tourist badly injured by white rhino in SA Park, www.eturbonews.com (11/15/2012)(“A white rhino badly injured one German tourist when it charged a group of visitors on a morning walk in South Africa’s famous Kruger National Park”).
222. See Australian tourists injured in wasp attack, ETN (7/28/2014).

223. See Steinmetz, German tourist killed while elephant trekking in Krabi, www.eturbonews.com (12/1/2011) (“A German woman has been killed in controversial circumstances in an elephant trekking tragedy in the [province of Krabi not far from Phuket...One tourist has been killed and two other tourists have been seriously injured...over the past two years in male elephant rampages”).


225. Steinmetz, Investigators trying to determine cause of Lion Air Crash, www.eturbonews.com (4/16/2013) (“All 108 people on board survived Saturday’s crash, which has renewed questions about how safe it is to fly in Indonesia...The plane snapped in half as it crashed and came to rest in shallow water near the airport”).

226. See Passenger train crashes into a tour bus leaving 9 dead, 50 injured, ETN (8/1/2014).

227. See e.g., Second Circuit: Barkanic v. General Administrator of Civil Aviation, 923 F. 2d 957 (2d Cir. 1991) (“On January 18, 1985, Peter Barkanic and Donald Fox, citizens of the District of Columbia and New Hampshire, respectively, were killed in the crash of a Chinese plane en route from Nanking to Beijing, China...(liability limited to $20,000 applying Chinese law; Warsaw and Montreal Conventions do not apply to intra-country air transportation).

Foreign Law:
Great Britain: Wong Mee Wan v. Kwan Kin Travel Services Ltd., 4 All. ER 745 (1995) (Hong Kong tourist drowns as a result of speedboat accident crossing a lake in China).

See also: www.eturbonews.com (11/5/2012) (three Japanese tourists dead after being stranded overnight on the Great Wall); Santora, Two Americans Are Buried a Year After a Train Crash in China, www.nytimes.com (9/1/2012) (“A year ago Cao Erxing and his wife, Chen Zengrong, both 56, were killed in a high speed train crash in China...which left 40 people dead and 191 passengers injured in July 2011. The accident rattled the Chinese government and raised questions about the safety of the nation’s high-speed rail system”); 51 Dead in China Travel Accidents, www.voanews.com (May 22, 2010) (bus and railroad accidents kill 51 persons and
injure 71 other rail passengers).

228. See At least 60 dead in Congo train crash, ETN (4/24/2014)

229. See e.g.,

State Law:

New York: Elses v. TWA, 22 CCH Aviation Cases 17,806 (N.Y. Sup. 1989)(tour participants on Nile river boat cruise forced to jump into river when boat burns to the waterline; tour operator may be liable for failure to detect obvious defects in ship’s safety).

See also: Russian tourists injured in bas crash in Egypt, ETN (5/7/2014).

230. See e.g.,
Ninth Circuit: Rollins v. Maui Dreams Dive Company, 2010 WL 4386755 (D. Hawaii 2010)(“while on a shark dive in Fiji she suffered severe injuries to her hand due to a faulty ladder”).

State Law:
New York: Braka v. Travel Assistance International, 7 Misc. 3d 1019 (N.Y. Sup. 2005)(“plaintiff and his wife [on an extended honeymoon] were seriously injured in a car accident while vacationing in Fiji. Upon learning of the accident, plaintiff’s parents flew to Fiji...there was a determination made that plaintiff was not receiving adequate medical treatment and, therefore, he needed to be transported via air ambulance back to the United States...parents paid for the transportation at a cost of approximately $350,000”).

231. See Chan v. Society Expeditions, Inc., 123 F. 3d 1287 (9th Cir. 1998), cert. denied 118 S. Ct. 906 (1998)(plaintiffs purchased a cruise and boarded ship in Tahiti and the “next day passengers were ferried in inflatable raft called a Zodiac to Makatea, a coral atoll located in French Polynesia “ during which the Zodiac capsized drowning the driver and one passenger and severely injuring the plaintiffs).

233. See Auster v. Ghana Airways, Ltd., 514 F. 3d 44 (D.C. Cir. 2008) (passengers injured when Ghana Airways flight crashed while flying between two cities in Ghana).

234. See Indian High Speed Passenger train under deadly terror attack, ETN (6/25/2014); India travel alert: Another 11 tourists dead at fatal bus accident, ETN (6/17/2014); Indian passenger train ripped by deadly bomb attack, ETN (5/1/2014).

235. See also: Steinmetz, German tourists killed in Kenyan plane crash, www.eturbonews.com (8/23/2012) (“Four people dies when a small passenger plane crashed on the runway in Kenya’s renowned Masai Mara national park...There were 11 foreign tourists on board of the aircraft: five Germans, two Americans and two Czechs. Two Kenyan pilots and two German tourists were killed”).

236. See Accident involving tourists: High-speed ferry HongKong-Macau, ETN (6/13/2014) (high speed ferry slams into breakwater in Macau injuring 57 passengers).

237. See British tourist killed in Malaysia bus crash, ETN (4/20/2014).


241. See Steinmetz, 19 dead in plane crash near Kathmandu, www.eturbonews.com (9/27/2012) (“Sita Air Dornier aircraft, which was carrying 16 passengers and three crew members, caught fire and crashed on Friday morning near Kathmandu airport. All 19 people...reportedly have died in the crash...the plane was heading to the city of Likla—a transit hub for the tourists and mountain climbers heading for Mount Everest”).

242. See Steinmetz, NZ police wants tourist warned after visitor killed in car crash, www.eturbonews.com (1/6/2013) (“A 61 year old Israeli woman died and two others were taken to Southland Hospital after their rented Toyota Corolla left the road and crashed into a tree”); Steinmetz, Chinese tourist impaled by
fence pole in NZ bus crash, [www.eturbonews.com](http://www.eturbonews.com) (1/14/2013) (“A 17 year old tourist was been impaled in the chest by a fence post after the bus he was a passenger in crashes...near Roturia”).

243. See Steinmetz, Two dead, dozens injured in South Africa tourist boat disaster, [www.eturbonews.com](http://www.eturbonews.com) (10/14/2012) (“A Brit is reported to be among the dead after a seal-watching boat carrying 41 passengers capsized in rough waters of Cape Town...The locally-owned motorized boat (carried) regular whale, dolphin and seal watching tours”).

244. See Sang-Hun, Fackler, Cowan & Sayare, In Ferry Deaths, a South Korean Tycoons Downfall, [www.nytimes.com](http://www.nytimes.com) (7/26/2014) (“one of the worst peacetime disasters in the nation’s history—the sinking of the ferry Sewol in April, which killed 304 passengers, the vast majority of them high school students”).

245. See Linda, Another Antonov crash rocks Sudan, [www.eturbonews.com](http://www.eturbonews.com) (10/7/2012) (“Sudan has suffered a significant number of civilian and military air accidents, often with former Soviet Union era aircrafts involved, as is the case here, and suspicions regularly focused on poor maintenance, often allegedly falsified maintenance records and lack of crew training on simulators...While many African countries have moved to ban the registration and in part even the use of these ancients aircraft, the Sudan—as has the Congo DR with an equally bad aviation record—has continued to permit the use of such stone age birds”); Steinmetz, Sudan airline crash kills 31, [www.eturbonews.com](http://www.eturbonews.com) (8/20/2012) (“The Sudan has one of the worst aviation accident records in Africa, often attributed to poor aircraft maintenance and the lack of regular crew training as required for commercial aviation and also the use of ‘stone-age’ generation Soviet era aircraft, which have long been banned from registration and use in many other jurisdictions”).

246. See Steinmetz, 31 Chinese visitors injured in Taiwan tour bus crash, [www.eturbonews.com](http://www.eturbonews.com) (9/25/2012) (“A tour bus carrying 35 Chinese nationals from Beijing overturned in Hualien County yesterday afternoon, leaving three passengers seriously injured...​
and 28 with minor injuries").

247. See Weinberg v. Grand Circle Travel LLC, 2012 WL 4096611 (D. Mass. 2012) ("This negligence action...involves two Florida resident who planned an African safari vacation with a Massachusetts travel agent, only to become victims of a tragic hot air balloon crash in the Serengeti. One victim was killed in the crash and the other, the deceased’s fiancee, sustained severe bodily injuries, allegedly due to the negligence of the balloon company...brought action against a Massachusetts company, Grand Circle Travel ('Overseas Adventure'), a Tanzanian corporation, Tourism and Public Relations Services Limited trading as Serengeti Balloon Safaris ('Tourism Services') and an English company, Serengeti Balloon Safaris, LTD ('Serengeti Balloon') seeking compensatory and punitive damages on claims of strict liability, negligence, gross negligence and recklessness; motion of Tourism Services and Serengeti Balloon to dismiss for lack of personal jurisdiction granted; “It seems unfair that the Serengeti defendants can reap the benefits of obtaining American business and not be subject to suit in our country").

See also: Steinmetz, Tourists escape death after dramatic ocean rescue, [www.eturbonews.com](http://www.eturbonews.com) (8/21/2012) ("According to a regular source from the Tanzanian coast, three foreign tourists had to be pulled from the sea, as their boat, sailing from Pangani to Zanzibar sank after running into heavy weather...In recent years Tanzania has been struck by a series of ferry accident, on Lake Victoria and between Zanzibar and Pemba Island").


249. See e.g.,

Eleventh Circuit: Esfeld v. Costa Crociere, 289 F. 3d 1300 ( 11th Cir. 2002 ) ( cruise passenger on shore excursion injured in tour van accident in Da Nang, Vietnam; lawsuit against Italian cruise line ).

State Law:

250. See Munn v. Hotchkiss School, 2012 U.S. Dist. LEXIS 40787 (D. Conn. 2013) (15 year old student on a school trip in China when she was infected with an insect-borne disease leaving her permanently disabled; school found to have failed to warn of risk
of insect-borne disease and to take adequate precautions; jury awarded total damages of $41,750,000; disclaimer not enforced).


252. See Lavine v. General Mills, Inc., 519 F. Supp. 332 ( N.D. Ga. 1981 )( tourist purchases package tour featuring trip to Australia and New Zealand with an optional 3 day ocean cruise from New Zealand to the Fiji Islands provided by Blue Lagoon; participant in disembarking cruise ship slips and falls on slippery rock on beach in Fiji Islands; refuses local medical care and returns to the United States for emergency medical treatment; plaintiff claims that defendants negligently “failed to provide to her adequate medical care, equipment, supplies or staff to handle known medical emergencies “).


254. See Morris v. Princess Cruises, Inc., 236 F. 3d 1061 ( 9th Cir. 2001 )( sick passenger removed from cruise ship to Aradhana Intensive Care and Nursing Home in Bombay, India where she kept in filthy conditions for six hours and then transferred to Breach Candy Hospital in Bombay after being forced to pay $1,200 to leave the nursing home. “ Mrs. Morris testified to the wretched conditions prevailing at the Aradhana facility. There was half an inch of urine on the floor, flies and roaches were everywhere. There was no medical equipment of any kind there “).

255. See Steinmetz, Dengue Fever outbreak reported from Kenya coast, www.eturbonews.com (3/25/2013)(“Health officials were quoted (as) confirming at least 15 cases of Dengue Fever at the Kenya coast”).


257. See Tourism Alert: Deadly MERS virus spread to Lebanon, ETN (5/9/2014).

258. See Urgent Nigeria tourism alert: Ebola is deadly and is now in Nigeria, ETN (7/26/2014).
259. See Travel and tourism threat: Killer virus Middle East Respiratory Syndrome (MERS) is spreading, ETN (4/27/2014) ("Saudi Arabia, where MERS was discovered around two years ago and which remains the country most affected. Has now had 323 confirmed cases of MERS, of which 94 have been fatal").


261. See Linda, Fresh ebola outbreak hits Uganda, www.eturbonews.com (11/14/2012) ("ebola has yet again reappeared and already claimed two victims in the Luwero District in Uganda"); Linda, Marburg outbreak in Uganda should not be a threat to tourists, www.eturbonews.com (10/24/2012) ("Five people have died and several dozen more are under confinement and quarantine to avoid the spread of the disease further, in a similar approach which last month saw the successful elimination of an Ebola outbreak. Both diseases are suspected to have been brought into the country through refugees from Congo, who fled the intense fighting in the border region with Uganda and Rwanda").

262. See In re Ski Train Fire In Kaprun Austria On November 11, 2000, 499 F. Supp. 2d 437 ( S.D.N.Y. 2007 )(" These cases arise from a disaster that occurred on November 11, 2000 in which a ski train in Kaprun, Austria caught fire, killing 155 people ").

See also: Steinmetz, Russian tourist dies in Austrian avalanche, www.eturbonews.com (12/20/2012) ("Coming down form the mountain, the man entered into the avalanche and was instantly covered with two meters of snow").


264. See Steinmetz, Israeli tourists killed in Bulgarian bus bombing, www.eturbonews.com (7/19/2012) ("Israeli officials say that seven people died (30 were injured) in a bomb explosion on a bus carrying Israeli tourists in the city of Burgas, Bulgaria").

263. See Reers v. Deutsche Bahn, AG, 320 F. Supp. 2d 140 ( S.D.N.Y. 2004 ) (12 passengers, some U.S. citizens, died in a German owned railcar on a French train because an attendant “assigned to Railcar 120 that night started a fire and failing to extinguish it, abandoned his port without warning the sleeping passengers...the maximum compensation that would be available to
each estate in a French Court would be approximately $100,000"").

See also: Steinmetz, British Tourists Murdered in France, www.eturbonews.com (9/13/2012)(“Engineer Saad at-Gilli, his wife and mother-in-law were brutally murdered in a remote spot close to Lake Annecy a week ago”); Steinmetz, English-speaking tourist jumps to his death from Eiffel Tower, www.eturbonews.com (6/26/2012(“Eiffel Tower has highest number of suicides for any French landmark”).

266. See Two tour busses collide in Dresden: 9 dead, 40 injured, ETN (7/19/2014)(“A large Polish tour bus collided with a small Ukrainian tourist bus”).

267. See Clerides v. Boeing Company, 534 F. 3d 623 ( 7th Cir. 2008 ) ( commercial aircraft “ scheduled to fly from Larnaca, Cyprus to Athens, Greece...After takeoff, the aircraft failed properly to pressurize. As a result, the crew and passengers lost consciousness and asphyxiated; the plane crashed near Athens, Greece, when it ran out of fuel “ ).

See also: Steinmetz, 6 tourists injured in explosion on Greek mock pirate ship, www.eturbonews.com (10/7/2012)(“Greek officials say that a tour boat captain was killed and 6 foreign tourists were injured when a replica cannon exploded Saturday on a mock pirate ship of the southern Aegean island of Koa...Two Dutch passengers, a Belgian and two German children were hurt”); U.S. Tourist Killed in Rockslide on Santorini Island, Greece, http://gogreece.about.com (5/23/2011)(“A 52-year-old male tourist from the United States was killed by falling rocks while riding a donkey...on a popular donkey trail leading up the cliffs to Oia”);

268. See Steinmetz, US visitor dies in Hungary after being refused seat on three New York flights, www.eturbonews.com (11/26/2012)(“Vilma Slotesz, 56, from New York, weighed about 425 lids...had only one leg ad used a wheelchair. She dies from health complications in Hungary nine days after she was kicked off the first of three flights and now he death could...be the cause of a multimillion-dollar lawsuit against the airlines”).

269. See “ Passenger Killed in Shore Excursion Accident “, Travel Weekly, p. 8 ( July 31, 2000 )( “ A female passenger aboard Orient Lines’ Marco Polo was killed in a snowmobiling accident...during a shore excursion on Langjokull Glacier near Raykjavik, Iceland “ ).
270. King v. Cessna Aircraft Co., 562 F. 3d 1374 (11th Cir. 2009) ("The case arises out of a tragic plane crash that occurred at Linate Airport in Milan, Italy...On that foggy morning, a private Cessna jet operated by Air Evex, a German charter company, made a wrong turn and taxied toward an active runway, causing it to collide with Scandinavian Airlines Flight 686, which was just taking flight. One hundred eighteen people died, including everyone on board both planes and four people on the ground ").

See also: Higgins, So, Just How Safe Is Your Ship?, http://travel.nytimes.com (2/6/2012) (On January 13, 2012 the Costa Concordia struck a large rock and nearly sank leaving “a haunting image: that of the 13-story luxury liner Costa Concordia half-submerged in the Tyrrhenian Sea last January after its captain piloted the ship and its 4,252 passengers and crew into a rock off the Tuscan coast, killing 32 on board”); Piore, The Informer, Staying Afloat, Conde Nast Traveler, June 2012, pp. 49-55 ("The dramatic end of the Costa Concordia, ripped open by rocks off the Tuscan coast, has lawmakers asking if the regulations governing cruise ship safety have kept pace with the industry’s rapid growth...Statistically, cruising is one of the safest ways to travel: Of the 153 million passengers carried between 2002 and 2011, only 6 died in operational incidents (as opposed to suicides or accidents on shore excursions)...The Concordia disaster seized the public’s imagination in part because it involved a state-of-the-art vessel owned by Carnival Corporation, the world’s largest cruise operator. The idea that one of the industry’s most sophisticated ships could be so spectacularly vulnerable proved unsettling and has raised troubling questions. The Concordia sinking was prevent only because it came to rest on a large rock. Had the ship gone down, most agree, the window for abandoning ship would have closed quickly and thousands could have died. ‘I thought that after the Titanic, something like that would never happen again’...

The first major safety change following the Concordia accident...when CLIA announced a voluntary industry wide policy mandating muster drills prior to leaving port. By most accounts the scene aboard the Concordia after it hit a rock was one of chaos- a situation ascribed in part to the fact that some 600 passengers had just boarded and had not yet received a safety briefing, which is required within 24 hours of embarkation...

The Concordia accident also raises a troubling question about vessel design. Under SOLAS (International Convention on the Safety of Life at Sea) ships must be designed to survive the flooding of two of the watertight compartments that are supposed to allow the ship to maintain its stability if the hull is breached...A key question that Concordia investigators are considering is why this system failed...It’s likely (say experts)
that enough of the ship’s compartments were torn open by the rocks to cause catastrophic flooding sufficient to sink the vessel. Another much discussed possibility is that the doors used to seal off the compartments were left open due to human error... It will likely be months before Italian authorities determine the cause of the wreck...and regulators react to that determination”.


272. See Steinmetz, Third British tourist dies in Mallorca in less than a month, www.eturbonews.com (5/8/2012) (“A British tourist has fallen to her death from a hotel balcony in Mallorca in the third such British death on the Spanish island in less than a month”).


274. See Russian tourist dies in Norway, ETN (7/13/2014) (“Russian tourist died after falling into the waterfall Voringfossen in western Norway”).

275. See e.g.,
Second Circuit: Esheva v. Siberia Airlines, 499 F. Supp. 2d 493 ( S.D.N.Y. 2007 ) (“ While 79 passengers and crew members survived the crash, 124 died. Sixteen of the passengers were residents of countries other than Russia but none were U.S. residents “); Harris v. VAO Intourist Moscow, 481 F. Supp. 1056 ( E.D.N.Y. 1979 ) ( tourist dies in fire in Moscow hotel ).


See also: Scottish tourist dies in Spain, ETN (3/10/2014) (“A Scots tourist has died after falling from a hotel balcony in Benidorm, Spain”); Swiss tourist killed, two others injured in Canaries crash, ETN (3/10/2014) (“A bus carrying 17 Swiss tourists overturned on Spain’s Gran Canaria island”).


278. See Sarai Sierra Dead: Missing NYC Woman Found Dead In Istanbul, www.huffingtonpost.com (2/3/2013) (“A New York City woman who went missing while vacationing alone in Istanbul was found dead”).

279. See Chivers, Jet Wreckage Bears Signs of Impact by Supersonic Missile, Analysis Shows, www.nytimes.com (7/21, 2014) (“A piece of wreckage from the Malaysia Airlines Boeing 777-200 that was shot down in eastern Ukraine last week bears telltale marks of small pieces of high-velocity shrapnel that apparently crippled the jet in flight”).

280. See Possible tourism terror attack in Brussels?, ETN (5/24/2014) (“Brussels was the scene on Saturday afternoon of a possible terror attack involving tourists visiting the Jewish museum in the Belgian capital city”).

281. See Bulgaria: Sunny Beach resort region dangerous and not fit to receive EU tourists? ETN (5/30/2014).

282. See Suspects dead: Dagestan bomb attack on restaurant, ETN (1/18/2014) (“Russian security forces have killed seven people suspected of involvement in a grenade and bomb attack on a restaurant in Dagestan”).

283. See Steinmetz, Are Chinese tourists safe in France?, www.eturbonews.com (4/30/2013) (“In early March, 23 members of a Chinese tour group were robbed after dinner in Paris. Their passports, passenger tickets and cash were looted, and the group leader was injured”); Steinmetz, Gypsy criminal gangs from eastern Europe overrun Paris tourist attractions, www.eturbonews.com (4/16/2013) (“Hundreds of armed police have been placed around Paris’ major tourist monuments because of an influx of criminal gangs from eastern Europe. It follows a huge increase in the number of aggressive beggars and pickpockets flooding into the French capital from Romania and Bulgaria”).

284. See Steinmetz, Greek police arresting, beating tourists, www.eturbonews.com (1/10/2013) (“Greek police have stepped up
efforts to catch illegal immigrants in recent months...But tourists have been picked up in the sweeps—and at least two have been badly beaten”).

285. See Roma gangs of thieves target popular Europan tourist destinations, ETN (5/25/2014) (“The Roma gang members were first noticed hanging around the Dublin Tourist Information office”); Steinmetz, Dublin criminals prey on sightseeing female tourists, www.eturbonews.com (March 19, 2013) (“Criminals preying on tourists are most likely to target young women sightseeing in Dublin during the afternoon...Almost 740 tourists—at the brunt of 433 separate crimes and traumatic incidents sought help from (The Irish Tourist Assistance Service in 2012”).


287. See NZ visitor in Slovak hospital after violent assault in Poland, ETN (6/18/2014).


289. See Tavernise, Schmitt & Gladstone, Jetline Explodes Over Ukraine; Struck by Missile, Officials Say, www.nytimes.com (7/17/2014) (“A Malaysia Airlines Boeing 777 with 298 people aboard explodes, crashed and burned on a flowered wheat field Thursday in a part of eastern Ukraine controlled by pro-Russia separatists, blown out of the sky at 33,000 feet by what Ukrainian and American officials described as a Russian-made antiaircraft missile”); Steinmetz, British tourists kidnapped in Ukraine, rescued by elite special ops, www.eturbonews.com (3/11/2013) (“‘The man was a tourist. His kidnappers demanded $30,000...from his relatives for his release’”).

290. See Paris police officers charged with raping Canadian tourist, ETN (4/28/2014) (“Two elite French police officers have been charged with raping a Canadian tourist in their Paris headquarters in a case that has sent shock waves across France”).

291. See Chinese tourist kidnapped in Pakistan, ETN (5/19/2014).

292. See Steinmetz, Prague tourism center rocked by explosions, www.eturbonews.com (4/30/2013) (“Dozens of people have been injured after a suspected gas explosion rocked the center of Prague this morning”).


295. See e.g.,
Third Circuit: Schwartz v. Hilton Hotels Corporation, 2009 WL 1936784 (D.N.J. 2009) (“Schwartz alleges that...she entered the bathroom of her (Greek) hotel room, slipped on a puddle of water on the floor and broke her leg”).

Foreign Law:
Great Britain: Wilson v. Best Travel (1993) 1 All ER 353 (English tourist falls through glass window in Greek hotel).

See also: U.S. Tourist Killed in Rockslide on Santorini Island, Greece, http://gogreece.about.com (5/23/2011) ("A 52-year-old male tourist from the United States was killed by falling rocks while riding a donkey...on a popular donkey trail leading up the cliffs to Oia").


299. See Carley v. Theatre Development Fund, 22 F. Supp. 2d 224 (S.D.N.Y. 1998) (tourists purchase tour of Russia and during a stay at Hotel Pulkovskaya in St. Petersburg “Anne Marie Carley sustained serious injuries while trying to open her hotel window...Mrs. Carley fell approximately six floors when the window swung into the room unexpectedly and she fell out”).

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300. See Wukowitz, UK: Birmingham County Court decides in broken glass door case, http://iftta.org/content (10/17/2012) (“The Russell family booked a holiday package to Spain (and) specially requested accommodations which (were) suitable for young children...They were duly reassured. At the hotel they were allocated to a room with a glass balcony. Shortly after arrival while the parents were unpacking, the (4 year old) girl ran towards the door (and) collided with it. The glass which was only 5mm thin and not reinforced with any kind of safety film or wiring, broke and causes serious injury...The claimant was successful before the Birmingham County Court is establishing liability...The Court found that a reasonable holidaymaker in their position, have been specially reassured that the room was suitable for a young family, should have been told that the glass was not safety glass and was very thin. It was foreseeable that young children would run around and bump into objects and it was not surprising that the family had sought reassurance in what was there first trip abroad. The judge accepted that had they been given an appropriate warning, they would not have chosen to stay in this particular hotel at all” (Case: Russell v. Thomas Cook Tour Operations (2012)).

See also: Tourist survives fall from hotel balcony, ETN (7/20/2014) (“The man was staying at the TRH hotel in Magaluf, Calle Marti Ros Garcia”).

301. See U.S. Tourist Killed in Rockslide on Santorini Island, Greece, http://gogreece.about.com (5/23/2011) (“A 52-year-old male tourist from the United States was killed by falling rocks while riding a donkey...on a popular donkey trail leading up the cliffs to Oia”).

302. See Steinmetz, 7ft alligator on the lose at Spanish resort, www.eturbonenews.com (3/25/2013) (“Police on Spain was warning tourists to watch out for a 7ft alligator they have dubbed ‘the Costa Croc’”).

303. See Seagulls terrorize tourists at Welsh seaside resort, ETN (8/1/2014).

304. See Jainchill, Antarctica cruise operators approve new safety guidelines, Travel Weekly, July 27, 2009, p. 8 (“The 43 members of the International Association of Antarctica Tour Operators (IAATO) agreed to participate in a satellite vessel tracking system, to replace open lifeboats and enclosed ones and to require that ships have at least one ice captain or ice pilot with Antarctica experience on the bridge... (following) the April report by the government of Liberia on the 2007 sinking of GAP
Adventures’ Explorer cruise ship, in which the lack of Antarctica experience on the part of the captain was cited as a major contributing factor”).

305. See In re Ski Train Fire In Kaprun, Austria, 499 F. Supp. 2d 437 (S.D.N.Y. 2007) (“These cases arise from a disaster that occurred on November 11, 2000 in which a ski train in Kaprun, Austria caught fire, killing 155 people).

306. See e.g., Third Circuit: D’Amato v. Horizon Holidays, Inc., 1997 U.S. Dist. LEXIS 19120 (D.N.J. 1997) (tourist injured boarding shuttle bus at Gatwick Airport); McCartney v. Windsor, Inc., 1996 U.S. Dist. LEXIS 1623 (E.D. Pa. 1996) (tour bus accident in England; “At the time of the accident the coach’s anti-lock braking system was broken, the braking system warning light was broken, the speed limiter had been disconnected, the coach was traveling at an excessive rate of speed, the driver lacked adequate sleep, he was exceeding his driving hour limit...[Plaintiffs allege that the tour operator’s] brochure falsely tour the safety of the tour...Plaintiffs’ claims...for negligent failure to investigate and disclose pertinent safety information, for making false representations and breaching warranties regarding tour safety cannot fairly be characterized as frivolous or lacking any colorable basis”).

State Law:


rest stop " ").

See also: See Two tour busses collide in Dresden: 9 dead, 40 injured, ETN (7/19/2014) (“A large Polish tour bus collided with a small Ukrainian tourist bus”).

309. See Steinmetz, 6 tourists injured in explosion on Greek mock pirate ship, www.eturbonews.com (10/7/2012) (“Greek officials say that a tour boat captain was killed and 6 foreign tourists were injured when a replica cannon exploded Saturday on a mock pirate ship of the southern Aegean island of Koa...Two Dutch passengers, a Belgian and two German children were hurt”).


311. See Steinmetz, US visitor dies in Hungary after being refused seat on three New York flights, www.eturbonews.com (11/26/2012) (“Vilma Slotesz, 56, from New York, weighed about 425 lids...had only one leg ad used a wheelchair. She dies from health complications in Hungary nine days after she was kicked off the first of three flights and now he death could...be the cause of a multimillion-dollar lawsuit against the airlines”).

312. See e.g.,

Tenth Circuit: Cameron v. Group Voyagers, Inc., 2004 WL 585872 ( D. Colo. 2004 ) (“ These personal injury actions arise out of a tour bus crash that took place near Venice, Italy on June 12, 2001, injuring some or all of the approximately 30 passengers on board. Most of the passengers were citizens of the United States, Great Britain or Australia, although two were citizens of Malaysia and the tour director was a citizen of Slovenia” ).

State Law:


314. See Car slams into group of tourists, 22 injured, ETN (7/20/2014) (“car ran into a group of people in Polish seaside resort of Sopot”).

316. See e.g.,
Second Circuit: Esheva v. Siberia Airlines, 499 F. Supp. 2d 493 (S.D.N.Y. 2007) ("While 79 passengers and crew members survived the crash, 124 died. Sixteen of the passengers were residents of countries other than Russia but none were U.S. residents"); Harris v. VAO Intourist Moscow, 481 F. Supp. 1056 (E.D.N.Y. 1979) (tourist dies in fire in Moscow hotel).


See also: Swiss tourist killed, two others injured in Canaries crash, ETN (3/10/2014) ("A bus carrying 17 Swiss tourists overturned on Spain’s Gran Canaria island").

319. See Tavernise, Schmitt & Gladstone, Jetline Explodes Over Ukraine; Struck by Missile, Officials Say, www.nytimes.com (7/17/2014) ("A Malaysia Airlines Boeing 777 with 298 people aboard explodes, crashed and burned on a flowered wheat field Thursday in a part of eastern Ukraine controlled by pro-Russia separatists, blown out of the sky at 33,000 feet by what Ukrainian and American officials described as a Russian-made antiaircraft missile"); Chivers, Jet Wreckage Bears Signs of Impact by Supersonic Missile, Analysis Shows, www.nytimes.com (7/21/2014) ("A piece of wreckage from the Malaysia Airlines Boeing 777-200 that was shot down in eastern Ukraine last week
bears telltale marks of small pieces of high-velocity shrapnel that apparently crippled the jet in flight").

320. See Gartland v. Doucette, 2002 WL 1815982 (Conn. Super. 2002)(tourist purchases “European Whirl” tour during which she becomes stricken with severe respiratory infection and dies in a hotel room; tourist discussed plans with travel agent and informed of heart problems; travel agent recommended Trafalgar Tours because “it was fully escorted tour which would be the easiest type of tour”; lawsuit charged tour operator, inter alia, with failing “to recognize signs of medical problems or illness of tour participants in order to insure timely medical intervention and failure to take steps to insure timely medical intervention “).


322. See Martinides v. Holland America Line-Westours, Inc., C 94 1386 (W.D. Wash.)(cruise passenger had angina attack and stabilized in ship’s infirmary, then transferred to Naples hospital recommended as the best for cardiac care; allegedly the facility was a maternity hospital with neither the equipment nor the trained staff to care for cardiac patients. Three days later passenger died and family sued cruiseline alleging “failure to provide adequate medical care, failure to properly provide information regarding medical care options and failure to recommend a facility with proper medical services and/or equipment and directing the deceased...to a medical facility which was inadequate “).

323. See Wajnstat v. Oceania Cruises, Inc., 2011 WL 465340 (S.D. Fla. 2011)(cruise passenger becomes ill and diagnosed by ship’s doctor as having bleeding hemorrhoids; symptoms worsened and passenger was medically disembarked in the Ukraine and transported to a medical facility wherein more than half of his colon was removed; plaintiff claimed her received substandard medical care in Ukraine; the Court dismissed a cause of action against the cruise line alleging a failure to investigate the competency of land based medical providers).