

TRAVEL ACCIDENTS ABROAD 2013: AVOID DANGEROUS VACATIONS

A COMPILATION OF TRAVEL ACCIDENTS IN FOREIGN COUNTRIES BY REGION, COUNTRY AND TYPE OF ACCIDENT WITH NOTATIONS TO LEGAL ISSUES OF JURISDICTION, *FORUM NON CONVENIENS*, CHOICE OF LAW AND THEORIES OF LIABILITY

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It is useful to identify the types of travel accidents abroad by the region and country in which they occur both from the standpoint of avoiding dangerous venues and as an indication of how the courts resolve various legal issues such as

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jurisdiction, choice and selection of the forum, choice of law and liability. Included in these misadventures is being arrested for failing to respect local customs and traditions(9).

[a] The Caribbean

The Caribbean is a very popular destination for U.S. 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 (10), Aruba(11), Bahamas(12), Bermuda(13), British Virgin Islands(14), Cuba (15), Dominica (16), Dominican Republic(17), Great Shrimp Cay(17.1), Jamaica(18), Martinique (19), Nassau(20), Puerto Rico(21), St. Maarten(22), St. Thomas (23), Trinidad & Tabago(24) and Turks and Caicos Islands(25).

[ii] Assaults & Robberies

Robberies and assaults are quite common in the Caribbean (26) have taken place in the Bahamas(27), Barbados (28), Cayman

Islands(29), Jamaica(30), Puerto Rico(31), St. Kitts(32), St. Lucia(32.1) and St. Thomas(33).

[iii] Rapes & Sexual Assaults

Rapes, sexual assaults and child molestations have taken place in Bahamas(34), Barbados(35), British West Indies(36), Cayman Islands(37), Jamaica(38), St. Thomas(39) and Turks and Caicos(40).

[iv] Water Sports

Accidents involving water sports have taken place in Aruba(41), Bahamas(42), British Virgin Islands(43), Cayman Islands(44), Cuba (45), Dominica (46), Dominican Republic(47), Grenada(48), Jamaica(49), Netherlands Antilles(50), Puerto Rico(51), St. Lucia(52), Turks & Caicos(53) and U.S. Virgin Islands(54).

[v] Slip And Falls & Various Other Injuries

Slips, trips, falls and various other injuries have taken place in Antigua(55), Aruba(56), Bahamas(57), Barbados(58), Bermuda(59), British Virgin Islands(60), Dominican Republic(61),

Haiti(62), Jamaica(63), Puerto Rico(64) and St. Thomas(65).

[vi] Riding, Viewing & Being Attacked By Animals

Accidents involving animals have taken place in the Bahamas(66), Jamaica(67), Nassau(68) and Puerto Rico(69).

[vii] Transportation

Transportation accidents have taken place in the Bahamas(70), Bimini(71), Dominica(72), Dominican Republic(73), Jamaica(74), St. Thomas(75), Trinidad(76) and the U.S. Virgin Islands(77).

[viii] Medical Malpractice & Disease

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(78), Dominican Republic(79), Netherlands Antilles(80) and Puerto Rico(81).

[b] Central & South America & Canada

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(82), Brazil(83), Canada(84), Chile(85), Costa Rica(86), Honduras(87), Mexico(88), Peru(89) and Venezuela(90).

[ii] Assaults & Robberies

Assaults and robberies have taken place in Mexico(91), Ecuador(92), Peru (93) and Belize (94).

[iii] Rapes & Sexual Assaults

Rapes and sexual assaults have taken place in Mexico(95), Brazil(95.1) and the Galapagos Islands(96).

[iv] Water Sports

Accidents involving water sports have taken place in Mexico(97), Costa Rica(98) and Canada(99).

[v] Slip, Trips and Falls & Various Other Injuries

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

[vi] Riding, Viewing, or Being Attacked By Animals

Accidents involving animals have taken place in Brazil(108), Canada(109) and Mexico(110).

[vii] Transportation

Transportation accidents have taken place in Bolivia(111), Canada(112), Costa Rica(113), Mexico(114) and Peru(115).

[viii] Medical Malpractice & Disease

Medical malpractice and the contraction of diseases have taken place in Belize(116), Costa Rica(117) and Mexico(118),

[3] Africa, Asia & The Pacific

Africa, Asia and the Pacific nations are attracting ever greater numbers of tourists while at the same time attracting terrorists and pirates.

[I] Wrongful death

Travel accidents involving wrongful death have taken place in Afghanistan(119), Algeria (120), Australia(121), Bali(122), Botswana(123), Cameroon(124); China(125), Congo (126), East Java(127), Egypt(128), French Polynesia(129), Ghana (130), Hong Kong(131), India(132), Indonesia(133), Jordan(134), Kenya(135), Laos(136), Mali(137), Nepal(138), New Zealand(139), Nigeria(140), North Korea(141); Pakistan(142), Philippines(142.1), Red Sea(143), South Africa(144), Sudan(145), Taiwan(146), Tanzania(147), Tibet(148), Thailand(149) and Uganda(150).

[ii] Assaults & Robberies

Assaults and robberies have taken place in Afghanistan(151), Algeria(152), Australia(153), Dubai(154), Egypt(155), Ethiopia(156), Fiji(157), India(158), Kenya(159), Libya(160), Malaysia(161), Mali(162) Pakistan(163), South Africa(164),

Tanzania(165), Thailand(166), Tunisia(167), Turkey(168), Vietnam(169), Zaire(170), Zanzibar(171), Zimbabwe(172) and the Indian Ocean waters off the coast of Somalia(173).

[iii] Rapes & Sexual Assaults

Rapes and sexual assaults have taken place in India(174), Malaysia(175) and Thailand(176).

[iv] Water Sports

Accidents involving water sports have taken place in China(176.1), Gabon(177), Hong Kong(178), Indonesia(179), Laos(180), Northern Mariana Islands(181), Tahiti(182), Taiwan(183) and Thailand(184).

[v] Slip & Falls and Various Other Injuries

Slips, trips and falls and various other injuries have taken place in China(185), Egypt(186), Fiji(187), Hong Kong(188), Indonesia(189), Israel(190), Japan(191), Jordan(192), Kenya(193), Northern Mariana Islands(194), Philippines(195), South Africa(196), Tanzania(197) and Wake Island(198).

[vi] Riding, Viewing & Being Attacked By Animals

Accidents involving animals have taken place in Australia(199), Egypt(200), Namibia(201), South Africa(202) and Thailand(203).

[vii] Transportation

Transportation accidents have taken place in, Bali, (203.1), China(204), Egypt(205), Fiji(206), French Polynesia(207), Gabon(208), Ghana(209), Israel(210), Jordan(211), Kenya(212), Malawi(213), Morocco(214), Myanmar(215), Nepal(216), New Zealand(217), South Africa(218), Sudan(219), Taiwan(220), Tanzania(221), Thailand(222) and Vietnam(223).

[viii] Medical Malpractice & Disease

Incidents of medical malpractice and the contraction of disease have taken place in China(223.1), Fiji(224), India(225), Kenya(225.1) and Uganda(226).

[4] The Antarctic, the Arctic, Europe and Russia

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(227), Belgium(227.1), Bulgaria(228), Czech Republic(229), France(230), Greece(231), Hungary(232), Iceland(233), Italy(234), Kazakhstan(235), Mallorca(236), Malta(236.1), Russia(237), Spain(238), Switzerland(239) and Turkey(239.1).

[ii] Assaults & Robberies

Assaults and robberies have taken place in France(239.2), Greece(240), Ireland(241), Italy(242) and Ukraine(243).

[iii] Slips & Falls and Various Other Injuries

Slip and falls and other injuries have taken place in Czech Republic(243.1), England(244), France(245), Greece(246), Hungary(247), Ireland(248), Italy(249), Russia(250) and Spain(251).

[iv] Riding, Viewing And Being Attacked By Animals

Riding accidents have taken place in Greece(252) and alligators have been reported in Spain(252.1).

[v] Transportation

Transportation accidents have taken place in Antarctica(253), Austria(254), England(255), France(256), Germany(257), Greece(258), Holland(259), Hungary(260), Italy(261), Rumania(262), Kazakhstan(262.1), Scotland(263) and Spain(264).

[vi] Medical Malpractice & Disease

Medical malpractice and the contraction of disease have taken place in Europe(265), Greece(266), Italy(267) and Ukraine(268).

ENDNOTES

BEHAVE YOURSELF

9. 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.eturbdonews.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; Doytona 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 PLACES

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

11. See Vlastic v. Wyndham International, Inc., 451 F. Supp. 2d 1005 (C.D. Ill. 2006) (cruise passenger in lounge chair killed when palm tree fell on him).

12. 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:

Florida: *United Shipping Co. v. Winter*, 724 So. 2d 722 (Fla. App. 1999) (cruise passenger drowns during shore excursion boat tour in the Bahamas).

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).

13. See *Barrett v. Ambient Pressure Diving, Ltd.*, 2008 WL 4280360 (

D.N.H. 2008) (diving accident in Bermuda; defective re-breather).

14. 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 ").

Eleventh Circuit: Zapata v. Royal Caribbean Cruises, Ltd., 2013 WL 1296298 (S.D. Fla. 2013) (cruise passenger drowns while "bell diving" during shore excursion in Bermuda).

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

16. 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").

17. 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 & Resotrs*, 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: *Gianocotas 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 ").

See also: *Gianocostas v. RIU Hotels, SA*, 2006 WL 2089772 (Mass. Super. 2006) (failure of hotel and local clinic to diagnose and properly treat tour participant with diabetes; negligent misrepresentation claims against tour operator dismissed) vacated 450 Mass. 715, 2008 WL 483766 (Mass. Sup. 2008).

17.1 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).

18. 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 feel 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'").

19. 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).

20. 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'`).

21. See e.g.,

U.S. Supreme Court: Yamaha Motor Corp. V. Calhoun, 516 U.S. 199, 116 S. Ct. 619, 133 L. Ed. 2d 578 (1996) (12 year old infant killed in a collision in territorial waters off of Puerto Rico while riding jet ski).

First Circuit: In re San Juan Dupont Plaza Hotel Fire Litigation, 768 F. Supp. 912 (D.P.R. 1991) (attorneys fees).

22. See e.g., Phillips v. Talty, 555 F. Supp. 2d 265 (D.N.H. 2008) (car accident in St. Martin).

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").

23. 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").

24. 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").

25. 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 ").

26. 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'").

27. See e.g.,

Sixth Circuit: *Fling v. Hollywood Travel and Tours*, 765 F. Supp. 1302 (N.D. Ohio 1990)(tourist shot and robbed).

Eleventh Circuit: *Larsen v. Kerzner International Hotels Limited*, 2009 WL 1759585 (S.D. Fla. 2009)(guest at Atlantis Hotel in Nassau assaulted by unidentified man).

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”).

28. See Steinmetz, UK cruise tourists attacked, shot in Barbados, www.eturbonews.com (March 18, 2013) (two British cruise passengers on a shore excursion were shot by a robber).

29. 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).

30. See e.g.,

Third Circuit: *Schreiber v. Camm*, 1994 WL 131611 (D.N.J. 1994) (guests at Jamaican vacation estate, Mockingbird Hill, shot by security guard rendering one of the guests quadriplegic).

Fourth Circuit: *Early v. Travel Leisure Concepts, Inc.*, 669 F. Supp. 130 (E.D. Va. 1987) (tourist purchased tour of Jamaica featuring accommodations at Sunflower Villas Hotel where she is assaulted).

State Law:

New York: *Creteau v. Liberty Travel, inc.*, 195 A.D. 2d 1012, 600 N.Y.S. 2d 576 (1993) (tourist raped and robbed in Jamaica).

31. See e.g., *Woods-Leber v. Hyatt Hotels of Puerto Rico*, 1997 WL 476360 (1st Cir. 1997) (mongoose attacks guest sunbathing at hotel

pool); Gilmore v. Caribbean Cruise Line, 789 F. Supp. 488 (D.P.R. 1992)(passengers stabbed and robbed on pier).

32. See Gabrielle v. Allegro Resorts Hotels, 210 F. Supp. 2d 62 (D.R.I. 2002)(guests at Jack Tar Village in St. Kitts robbed and assaulted by intruder who gained entry through open balcony sliding window).

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").

32.1 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").

33. See Manahan v. NWA, Inc., 821 F. Supp. 1105 (D.V.I. 1992), recon. denied 821 F. Supp. 1110 (D.V.I. 1992), aff'd 995 F. 2d 218 (3rd Cir. 1993)(tourist mugged and purse snatched on walk to restaurant from hotel).

34. See e.g.,

Third Circuit: Loretta v. Holiday Inns, Inc., 1986 WL 5339 (E.D. Pa. 1986)(tourist raped and robbed on beach in the Bahamas

).

Eleventh Circuit: *Doe v. Sun International Hotels, Ltd.*, 20 F. Supp. 2d 1328 (S.D. Fla. 1998)(guest raped at resort).

35. *Crocker v. Hilton International Barbados, Ltd.*, 976 F. 2d 797 (1st Cir. 1992)(guest at Hilton International Barbados, Ltd. Hotel in Bridgetown, Barbados raped at knife point).

36. *Shanzer v. Club Med Sales, Inc.*, New York Law Journal, Sept. 7, 1994, p. 22, col. 5 (N.Y. Civ. 1994)(male guest at Club Med facility, Bay Providenciales, in the British West Indies sexually assaulted and wakes up in the morning sitting naked in " seashore's shallow waters ").

37. 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).

38. See *Creteau v. Liberty Travel, Inc.*, 195 A.D. 2d 1012, 600 N.Y.S. 2d 576 (1993)(tourist raped and robbed in Jamaica).

39. 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 the Wyndham Kids Klub "); Nicholas v. Wyndham International, Inc., 301 F. Supp. 2d 407 (D.V.I. 2002).

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 gonorrhoea 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 ").

40. See *Grossman v. Club Med Sales, Inc.*, 273 N.J. Super. 42, 640 A. 2d 1194 (1994) (guest at Club Med facility in Turks and Caicos sexually assaulted by former employee).

41. 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 and drowned").

42. See e.g.,

Sixth Circuit: *Matthews v. Kerzner International Limited*, 2011 WL 5122641 (N.D. Ohio 2011) (plaintiff "sustained injuries to his left leg and knee upon using an allegedly defective and 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); *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).

43. 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 `).

Second Circuit: *Matter of Illusions Holdings, Inc.*, 78 F. Supp. 2d 238 (S.D.N.Y. 1999)(scuba diver sustains injury to shoulder while diving in the British Virgin Islands).

44. 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:

Florida: Le 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:

Florida: *LeValley v. Carnival Cruise Lines, Inc.*, 786 So. 2d 18 (Fla. App. 2001 (jury verdict for cruise passenger injured during shore excursion scuba dive in Grand Cayman Island reversed for failure of trial court to allow introduction of evidence of diver's asthmatic condition as a causative factor in accident)).

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

46. 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").

47. See *Calvo v. Sol Melia*, 761 So. 2d 461 (Fla. App. 2000)(resort guest struck by motorboat in Dominican Republic).

48. See *Healy v. Renaissance Hotel Operating Co.*, 282 A.D. 2d 363, 724 N.Y.S. 2d 719 (2001)(Irish citizen living in London, England struck by motorboat while snorkeling in Grenada).

49. 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 ").

50. 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).

51. 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).

Second Circuit: Pollack v. Hyatt Hotels of Puerto Rico, Inc., 85 Civ. 5564 (EW) (S.D.N.Y. 1985)(hotel guest nearly drowns by falling into underwater hole off of beach).

52. See e.g.,

Third Circuit: Neely v. Club Med Management Services, Inc., 63 F. 3d 166 (3d Cir. 1995)(U.S. citizen employed as scuba instructor at St. Lucia Club Med resort sucked into propellers of dive boat, *Long John*).

Eleventh Circuit: Henderson v. Carnival Corp., 125 F. Supp. 2d 1375 (S.D. Fla. 2000)(honeymoon couple on cruise purchase tickets for ride on catamaran in St. Lucia which struck coral reef injuring couple).

53. 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 ").

54. 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).

55. See *Feinstein v. Curtain Bluff*, 1998 WL 458060 (S.D.N.Y. 1998) (guests at Curtain Bluff hotel in Antigua contract ciguatera poisoning after eating fish in hotel restaurant).

56. See e.g.,

Second Circuit: *Andrei v. DHC Hotels and Resorts, Inc.*, 2000 WL 343773 (S.D.N.Y. 2000) (guest at Tamarign Aruba Beach Resort takes shower outside of room, enters room and slips and falls onto

floor; no personal jurisdiction over hotel); Passero v. DHC Hotels, 1996 WL 931767 (D. Conn. 1996)(tour participant trips over a flotation mat placed near a chair at hotel pool).

Third Circuit: Plinio v. Americana Aruba Beach Resort & Casino, 1998 WL 1286233 (D.N.J. 1997)(slip and fall in hotel bathtub).

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").

57. 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:

Florida: Kerzner International Resorts, Inc. v. Raines, 983 So. 2d 750 (Fla. App. 2008)(guest injured at resort in the Bahamas).

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).

58. See 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 ").

59. See See e.g.,

Second Circuit: Klein v. Marriott International, Inc., 34 F. Supp. 2d 176 (S.D.N.Y. 1999) (guests at Marriott Castle Harbor Resort in Bermuda becomes ill from consuming contaminated water).

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 ").

129. 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 ").

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

61. See e.g.,

Third Circuit: *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 ")..

Sixth Circuit: *Viches v. MLT, Inc.*, 124 F. Supp. 2d 1092 (E.D. Mich. 2000)(tour participants injured in Dominican Republic when resort sprayed insecticide on its premises).

62. 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).

63. 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-styled 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").

64. See e.g.,

First Circuit: Kaden v. Wyndham Conquistador Resort & Country Club, 2005 WL 1949694 (D.P.R. 2005) (guest slips and falls on Jacuzzi platform at Wyndham El Conquistador Resort & 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).

Fourth Circuit: Camasso v. Dorado Beach Hotel Corp., 689 F. Supp. 384 (D. Del. 1988) (outbreak of salmonella poisoning at Hyatt Regency Cerromar Resort at Dorado Beach, Puerto Rico).

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:

New York: Smith v. Atlas International Tours, 80 A.D. 2d 62, 436 N.Y.S. 2d 722 (1981)(tour operator fails to deliver Glatt Kosher food during Passover holiday at resort hotel in Puerto Rico; Compare: Jaraslawicz v. Prestige Caterers, Inc., 292 A.D. 2d 232, 739 N.Y.S. 2d 670 (2002)(food poisoning at Miami hotel during Passover tour); Sacks v. Loews Theatres, Inc., 47 Misc. 2d 854, 263 N.Y.S. 2d 253 (1965)(guest slips and falls at Americana Hotel in Puerto Rico).

65. See Hoch v. Venture Enterprises, Inc., 473 F. Supp. 541 (D.V.I. 1979)(diners eat poisonous hind fish and contract " typical ciguatera poisoning ").

66. See Tucker v. Whitaker Travel, Ltd., 620 F. Supp. 578 (E.D.

Pa. 1985), aff'd Mem. 800 F. 2d 1140 (3rd Cir. 1986), cert. denied 107 S. Ct. 578 (1986)(horse riding accident).

67. See *Colby v. Norwegian Cruise Lines, Inc.*, 1996 WL 1752 (D. Conn. 1996)(cruise passenger on shore excursion thrown from horse).

68. 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).

69. See *Woods-Leber v. Hyatt Hotels of Puerto Rico*, 1997 WL 476360 (1st Cir. 1997)(guest at Cerromar Beach Hotel in Dorado Beach, Puerto Rico attacked by mongoose in pool area).

70. 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 ").

71. See *Spaziano v. Price*, 763 So. 2d 1047 (Fla. App. 1999)(tourist injured when plane approaching Bimini crash lands with wheels up; legal malpractice action).

72. See *Randolph v. Baron*, 2006 WL 2627977 (D.N.J. 2006) (cruise passenger injured in tour van accident on the island of Dominica).

73. 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).

74. 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:

Florida: *Tracy v. VRL Operators, Ltd.*, Case No: 50 2006 CA

005719, Fla. Cir. Ct. Palm Beach Cty (Jan. 29, 2008) (after stay at Hedonism III in Ocho Rios, Jamaica tourist injured in tour bus accident), aff'd 985 So. 2d 1101 (Fla. App. 2008)).

75. See e.g.,

Second Circuit: *Piche v. Stockdale Holdings, LLC*, 2009 WL 799659 (D.V.I. 2009) (cruise passenger " was injured onboard the Ocean Rider (during snorkeling excursion) while traveling on navigable water off the coast of St. Thomas "); *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 "); *Lubick v. Travel Services, Inc.*, 573 F. Supp. 904 (D.V.I. 1983) (cruise passenger injured in tour bus accident during shore excursion of St. Thomas).

Fourth Circuit: *Poe v. Budget Rent A Car System, Inc.*, 2006 WL 2161865 (D. Md. 2006) (rental car accident in Virgin Islands " when the brakes on a (rental) car...failed").

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").

76. See *Taylor v. Costa Lines, Inc.*, 441 F. Supp. 783

(E.D. Pa. 1977)(cruise passenger purchased shore excursion tour of Trinidad aboard cruise ship during which taxi cab struck tree causing severe injuries).

77. See *Poe v. Budget Rent A Car System, Inc.*, 2006 WL 2161865 (D. Md. 2006) (rental car accident).

78. See *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).

79. See *Gianocotas 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 ").

See also: *Gianocostas v. RIU Hotels, SA*, 2006 WL 2089772 (Mass. Super. 2006) (failure of hotel and local clinic to diagnose and properly treat tour participant with diabetes; negligent misrepresentation claims against tour operator dismissed) vacated 450 Mass. 715, 2008 WL 483766 (Mass. Sup. 2008).

80. 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).

81. See e.g.,

Second Circuit: *Henderson v. Carnival Cruise Lines, Inc.*, 2001 WL 114401 (W.D.N.Y. 2001) (cruise passenger contracts appendicitis, treated initially in ship's infirmary and removed from cruise ship and placed in shore medical facility in Puerto

Rico; claims " negligence and breach of contract for... failure to ;provide adequate medical facilities and treatment "); Pollack v. Hyatt Hotels of Puerto Rico, Inc., 85 Civ. 5564 (EW) (S.D.N.Y. 1985) (hotel guest nearly drowns after stepping into hidden hole off of beach).

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).

82. 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").

83. 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 ").

84. 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:

California: Van Humbeck v. Robinson Helicopter Company, Inc., 2007 WL 4340996 (Cal. App. 2007)(" The lawsuit arose from the crash in British Columbia, Canada of a helicopter en route to a remote logging camp...plaintiffs are citizens of Canada ").

85. 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 ").

86. 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 ex[pertise in snorkeling...and more significantly neither had any authority over the actions of Marengo 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 Marengo'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 ").

Third Circuit: Wolf v. Fico Travel, 2011 WL 5920918 (D.N.J. 2011) ("members of New Jersey based Cutty Sharks Fishing Club 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:

Massachusetts: *Tongier v. EF Institute For Cultural Exchange*, Mass. Sup. Ct. Civil Action No. 08-01916 Middlesex (April 29, 2012) (three high school students and teacher on student tour to Costa Rica drown in rip tides; defendants summary judgment motion denied; strict liability under Swiss and Costa Rican law); See also: *Tongier v. EF Institute*, 2011 WL 7090713 (Mass. Super.) (violation of Massachusetts consumer protection statute claim reinstated).

87. See *Fojtasek v. NCL*, 613 F. Supp. 2d 1351 (S.D. Fla. 2009) (during shore excursion in Honduras cruise passenger falls to death from zip-line).

88. See e.g., See e.g.,

Second Circuit: *Barker v. Goldberg*, 1987 WL 10820 (E.D.N.Y. 1987) (tourist drowned during white water river rafting expedition on the Rio Grande River in Mexico).

Fifth Circuit: *Gardemal v. Westin Hotel Company*, 186 F. 3d 588 (5th Cir. 1999) (" Gardemal 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 sustained from the fall "); Simmelroth v. American Airlines, 448 F. Supp. 730 (E.D. Ill. 1978)(travel agent on Fam trip murdered by bandits).

Ninth Circuit: Loya v. Starwood Hotels & resorts, 2007 WL 1991163(W.D. Wash. 2007)(guest at Club Regina Los Cabos in Baja California Sur, Mexico dies during scuba dive).

Eleventh Circuit: Joseph v. Carnival Corporation, 2011 WL 3022555 (S.D. Fla. 2011)(cruise passengers during shore excursion

in Cozumel, Mexico dies while para-sailing; Death on the High Seas Act; liability theories).

State Law:

Arizona: *Knoell v. Cerkenik-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).

California: *Princess Hotels v. Superior Court*, 33 Cal. App. 4th 645, 39 Cal. Rptr. 457 (1995) (guest at Mexican hotel drowns off public beach adjacent to hotel where guest registered).

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 ` Deportee 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 town 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 ").

89. See *Vivas v. The Boeing Company*, 2009 WL 1686539 (Ill. App. 2009) (plane crash in Peru).

See also: Steinmetz, Peruvian police: No survivors in helicopter crash, www.eturbonews.com (6/11/2012) (12 tourists

including South Korean, Dutch, Swiss, Czech and Peruvian passengers killed in crash).

90. 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).

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 Steinmetz, *Kidnaped tourists freed in Ecuador*, www.eturbonews.com (9/30/2012) ("Two female tourists Kidnaped 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").

93. See Baran, *Peru steps up security after two Amazon river ship attacks*, *Travel Weekly* (8/17/2009, p. 36.

94. 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").

95. See 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").

95.1 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").

96. See O'Keefe v. Inca Floats, Inc., 1997 WL 703784 (N.D. Cal. 1997)(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).

97. 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 ").

Fourth Circuit: Dunham v. Hotelera Canco, S.A., 1996 WL 421844 (E.D. Va. 1996)(guest sustains injuries after ingesting water during snorkeling trip off the coast of Mexico).

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 ½ 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 ½ Senor Frogs Restaurant (which plaintiff did) hit(ing) his

head on the ocean floor resulting in tetraplegia").

State Law:

California: *Schneider v. Suntrips, Inc.*, 2003 WL 21153476
(Cal. App. 2003) (guest at Bahia Condo Hotel in Cabo San Lucas,
Mexico dives into pool at another hotel and is rendered
quadriplegic).

Michigan: *Chimenti v. Apple Vacations, Inc.*, 2000 Mich. App.
LEXIS 452 (Mich. At. App. 2000) (tourist purchased a package
tour featuring accommodations at the Sol Caribe Hotel on the
island of Cozumel, Mexico, rented jet ski at resort and spent two
days in the ocean after jet ski stalled and was swept away by
strong currents).

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 ").

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 Goldstein v. D.D.B. Needham, supra, at N. 23 (five passengers killed during white Water rafting accident in British Columbia).

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).

103. See *Cohen v. Heritage Motor Tours, inc.*, 205 A.D. 2d 105, 618 N.Y.S. 2d 387 (1994)(tour participant slips and falls on slippery rocks crossing stream in Canadian Rockies).

104. See *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).

105. See *Caplan v. Boyce*, 2003 WL 22495836 (Cal. App. 2003) (tourist participating in boat tour of Galapagos Islands falls off cliff in Ecuador during soccer game; tour boat owners not liable).

106. See e.g.,

Second Circuit: *Squires v. Atkinson & Muller Travel, Inc.*, 1997 WL 1068659 (S.D.N.Y. 1997) (guest at Hotel Solymar in Cancun, Mexico slips and falls on damp sloping sidewalk and breaks ankle).

Third Circuit: *Wilson v. RIU Hotels & Resorts (Riusa II, S.A.)*, 2011 WL 3241386 (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 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...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 "); Inzillo v. The Continental Plaza, 2000 WL 1752121 (M.D. Pa. 2000)(guest slips and falls on footbridge at the Continental Plaza in Cancun, Mexico); Hurley v. Cancun Playa Oasis, 1999 WL 718556 (E.D. Pa. 1999)(guest slips and falls at Reserve Hotel in Cancun, Mexico).

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).

Seventh Circuit: *Breschia v. Paradise Vacation Club, inc.*, 2003 WL 22872128 (N.D. Ill. 2003)(guest at Paradise Village Beach Resort and Spa in Mexico slips and falls on uneven floor).

Ninth Circuit: *Focht v. Sol Meklia, S.A.*, 2012 WL 162564 (N.D. Cal. 2012) (resort guest injured "after falling from a zip line at the Hotel Melia Puerto Valarta (in Mexico)").

Eleventh Circuit: *Focht v. Sol Melia, S.A.*, 2012 WL 162564 (N.D. Cal. 2012) (hotel guest injured falling from zip-line); *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:

Arizona: Wendelken v. Superior Court, 671 P. 2d 896 (Ariz. Sup. 1983) (Arizona resident attends " Arizona Singles Who's Who " weekend party at private residence in Senora, Mexico and skips and falls and breaks hip).

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").

109. See *Rawlins v. Clipper Cruise Line*, 1998 A.M.C. 1260 (E.D. Mo. 1996) (accident during whale-watching excursion in waters off Victoria Harbor, British Columbia, Canada).

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:

New York: *Barber v. Princess Hotels International, Inc.*, 134 A.D. 2d 312, 520 N.Y.S. 2d 789 (1987)(guest of Acapulco Princess Hotel thrown from horse and seriously injured for which hotel not liable because horse riding incident " arranged by 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).

112. See *King v. Car Rentals, Inc.*, 29 A.D. 3d 205, 813 N.Y.S. 2d 448 (2006) (car rental accident in Quebec, Canada); *Lowy v. Heimann's Bus Tours, Inc.*, 240 A.D. 2d 548, 658 N.Y.S. 2d 452 (1997) (accident during bus tour in Quebec, Canada; U.S. based tour operator not liable).

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").

Sixth Circuit: *Caldwell v. CheapCaribbean.Com, Inc.*, 2010 WL 3603778 (E.D. Mich. 2010) (tourists being transported from "Cancun, Mexico airport to their hotel rooms in Cancun when a car collision took the lives").

Ninth Circuit: *Rockard v. Mexicocoach*, 680 F. 2d 1257 (9th Cir. 1982) (bus accident in Tijuana, 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 ").

Eleventh Circuit: *Carnival Corporation v. Operadora Aviomar S.A.*, 2012 WL 3260310 (S.D. Fla. 2012) (employee of Carnival injured during an ATV shore excursion in Acapulco, Mexico owned and operated by Operadora Aviomar S.A.; motion to dismiss for lack of subject matter jurisdiction granted; contract between parties allowing Aviomar "a provider of land-based excursion at ports-of-call, to sell shore excursions to the passengers of plaintiff" is not a maritime contract which would invoke admiralty subject matter jurisdiction under 28 U.S.C. 1333).

District of Columbia Circuit: *Stromberg v. Marriott International, Inc.*, 2007 WL 4165428 (D.C. Cir. 2007) ("

Appellant is a Norwegian citizen alleging claims arising from a taxi cab accident that occurred in Mexico while riding in a cab driven by a Mexican national and owned by a Mexican company); Chung v. Chrysler Corp., 1995 WL 669183 (D.C.D.C. 1995) (students killed in rental car crash in Mexico).

State Law:

Arizona: Mauer v. Cerkvienik-Anderson Travel, inc., 181 Ariz. 294, 890 P. 2d 60 (1994) (student falls to death under steel wheels of party train to Mazatlan, Mexico).

California: DeRoche v. Commodore Cruise Line, Ltd., 31 Cal. Rptr. 2d 278 (Cal. App. 1994) (cruise passenger on shore excursion injured in motor scooter accident in Cozumel, Mexico); Pena v. Sita World Travel, Inc., 88 Cal. App. 3d 642, 152 Cal. Rptr. 17 (1978) (tour participant injured in Mexico when tour bus overturns).

Connecticut: Davies v. General Tours, Inc., 774 A. 2d 1063 (Conn. App. 2001) (tour participant broke ankle alighting from tour bus in Mexico).

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).

New York: Glasser v. Liberty Travel Service, inc., New York Law Journal, Sept. 6, 1991, p. 21, col. 5 (N.Y. Sup. 1991),

aff'd 190 A.D. 2d 616, 593 N.Y.S/ 2d 820 (1993)(tour bus accident in Mexico); Blue v. General Tours, Inc., 15 CCH Aviation Cases 17,660 (N.Y. Sup. 1979)(tour bus accident in Mexico).

Texas: Hudson v. Continental Bus Systems, Inc., 317 S.W. 2d 584 (Tex. Civ. App. 1958)(bus accident in Mexico; discussion 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 ").

118. 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).

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 cruiseship 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 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 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 *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).

124. See *Petitt v. Boeing Co.*, 2010 WL 3861066 (N.D. Ill. 2010) (Kenya Airways aircraft crashes in Cameroon killing all 114 passengers onboard).

125. 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: 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).

126. See 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").

127. See Steinmetz, Seven dead in East Java tourist bus crash, www.eturbonews.com (5/8/2012).

128. 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: See also: **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.eturbonews.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.eturbonews.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 attacked a group of European tourists traveling in one of the world's lowest and hottest regions, killing five, wounding two and kidnaping 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).

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

130. 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).

131. See e.g.,

First Circuit: Nowak v. Tak How Inc. Ltd., 1995 WL 521874 (D. Mass. 1995) (guest drowns in hotel pool in Hong Kong).

Ninth Circuit: Beaudu v. Starwood Hotels and Resorts Worldwide, Inc., 2005 WL 1877344 (W.D. Wash. 2005) (Marcel Beaudu, a FedEx international airline pilot experienced a heart attack and died at the Sheraton Hong Kong Hotel & Towers).

Foreign Law:

Great Britain: Wong Mee Wan v. Kwan Kin Travel Services Ltd., 4 All ER 745 (1995) (Hong Kong tourist drowns in boating accident crossing Chinese lake).

132. See 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 guest, 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").

133. See Steinmetz, Seven dead in East Java tourist bus crash, www.eturbonews.com (5/8/2012).

134. See 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 Amercrombie & Kent International (A&K) an Illinois based tour

operator. The Livingstone Safari included roundtrip airfare from Los Angeles 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.eturboneews.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.eturboneews.com (11/7/2011) (" The attack took place north of Isiolo in an area with several game reserves that is also known for banditry"); Steinmetz, Terror attack in Nairobi disco leaves 14 wounded, www.eturboneew.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").

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 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?").

138. 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").

139. 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 Dag River Boarding pleaded guilty to two counts of negligence").

140. 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, Nigeria preceded by crash in Accra, Ghana killing a dozen people).

141. 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").

142. See 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 Karakoram 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 ").

142.1. See 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").

143. See Steinmetz, German tourists die in bizarre submarine accident in Red Sea, www.eturbonews.com (2/10/2012).

144. 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").

145. 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 ancient 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").

146. 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).

147. 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 fiancée, 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: Alcantara, Bomb attack hits Arusha church, killing one and injuring others, www.eturbonews.com (5/6/2013) ("suspected terror attack in Tanzania's northern tourist city of Arusha"); 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"); 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").

148. See e.g., *Paulissen v. United States Life Insurance Co.*, 205 F. Supp. 2d 1120 (C.D. Cal. 2002) (climber ascending a mountain in the Himalayas in Tibet dies of high-altitude pulmonary edema). See also: Steinmetz, Belgian tourist missing in Himalayas found dead with her head cut off, www.eturbonews.com (6/28/2012).

149. See 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 ex-pats 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 gunfight 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").

150. 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 ").

151. 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”).

152. 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”).

153. 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”).

154. 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”).

155. 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, Kidnaped Korean tourists released in Egypt, www.eturbonew.com (2/13/2012) ("29 hours after they were kidnaped in Egypt's Sinai peninsula, three Korean tourists have been safely released"); Steinmetz, Two US tourists kidnaped in Sinai released, www.eturbonew.com "officials secured the release of two female American tourists and their guide").

156. See Linda, Ethiopian tourist abductions and attacks blamed on Eritrea, www.eturbonews.com (1/30/2012).

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

158. See Steinmetz, Kidnappers set conditions for release of abducted Italian tourists, www.eturbonews.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").

159. See e.g., Dow v. Abercrombie & Kent, 2000 U.S. Dist. LEXIS 7290 (N.D. Ill. 2000) (tourists on safari assaulted and robbed by bandits while camping in the Oloolo Escarpment in the Masai Mara reserve).

See also Linda, Mass attack on Malindi Casino leaves 8 dead and several injured, www.eturbonews.com (3/29/2013) ("a local terrorist group...attacked an Italian-owned casino last night in the wee hours"); Linda, Harissa Hotel in Kenya scene of another Al Shabab attack, www.eturbonews.com (1/20/2013) ("The attackers...drew their weapons, separated local patrons from upcountry guests before starting to shoot their victims"); 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").

160. 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 ").

161. 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").

163. 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").

163. See Steinmetz, Czech tourists kidnaped in Pakistan, www.eturbonews.com (3/13/2013) ("Unidentified gunmen...kidnaped two women tourists from the Czech Republic in Pakistan's insurgency-hit southwestern province of Balochistan"); Steinmetz, Swiss tourists claim they escaped from Taliban, www.eturbonew.com (3/19/2012) ("Two Swiss tourists have been found safe and well after an eight month ordeal as hostages of the Pakistani Taliban").

164. 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").

165. 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").

166. 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").

167. See Steinmetz, French politician: Violent Islamist mobs

attack tourists in Tunisia, www.eturbonews.com ("Tunisia is 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").

168. See Steinmetz, Istanbul tourist attractions attacked by heavily-armed gunmen, www.eturbonews.com (12/1/2011).

169. 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").

170. See *Naghiu 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 ").

171. See Linda, Tourists in Zanzibar advised to stay in resorts and use extreme caution, www.eturbonews.com (5/31/2012) (two

Christian churches burned to ground by mobs of rioters).

172. 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").

173. 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 ").

174. See 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 Pradesh 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").

175. 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").

176. 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").

176.1 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").

177. 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 ").

178. See *Nowak v. Tak How Inc. Ltd.*, 1995 WL 521874

(D. Mass. 1995) (guest drowns in hotel pool in Hong Kong).

179. 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 ").

180. 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”).

181. 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 “).

182. See *Addy v. Club Med*, 1997 WL 30205 (E.D. La. 1997) (couple honeymoon at Club Med facility in Tahiti whereat they were injured during scuba excursion).

183. 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).

184. See Steinmetz, *Korean tourists injured in speedboat crash off Pattaya*, www.eturbonews.com (4/24/2013): Steinmetz, *Korean tourist*

drowns in Phuket, www.eturbonews.com (9/30/2012) ("A 29-year-old Korean tourist on holiday in Phuket has died while snorkeling off Phi Phi Island").

185. See *Lachina v. Pacific Best Tours, Inc.*, 1996 WL 51193 (S.D.N.Y. 1996) (tour participant falls into manhole at Chinese airport during tour).

186. See e.g.,

First Circuit: *Paredes v. Princess Cruises, Inc.*, 1 F. Supp. 2d 87 (D. Mass. 1998) (cruise passenger injured during shore excursion in tour van accident in Egypt).

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:

California: *Sanders v. Nabila Tours & Cruises*, No. AO79884 (Cal. App. 1st Dept May 1, 1998) (tourist injured during tour of Catacombs Hala in Egypt).

New Jersey: *Slotnick v. Club ABC Tours, Inc.*, 2013 WL 830865 (N.J. Super. L. 2013) (slip and fall during tour of a cave; liability theories of tour operators and travel agents for torts of independent contractors).

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 ").
187. See *Lavine v. General Mills, Inc.*, 519 F. Supp. 332 (N.D. Ga. 1981) (tour participant slips and falls on slippery rock in Fiji Islands).

188. 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 ").

189. See *Carney v. Singapore Airlines*, 1996 WL 598667 (D. Ariz.

1996) (tourist falls into steaming hot liquid in volcanic sulphur pit in Indonesia).

190. 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 complete(ly) 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").

191. See *Walton v. Fujitsa Tourist Enterprises*, 380 N.W. 2d 198 (Minn. App. 1986) (tourist slips and falls at Japanese hotel).

192. See *Slotnik v. Club ABC Tours, Inc.*, 2012 N.J. LEXIS 194 (N.J. Super. 2012) (slip and fall during tour of Jordan).

193. See *Ross v. Trans National Travel*, 1990 WL 79229 (D. Mass. 1990) (tourist purchased safari tour of Kenya U.S. based tour operator through U.C.L.A. Alumni Association and during safari injures back and sued U.S. based tour operator and Kenyan safari

operator).

194. 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.)”).

195. 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).

196. See *Connolly v. Samuelson*, 671 F. Supp. 1312 (D. Kan. 1987) (tour participant injured during walking tour of Saba Saba Reserve in South Africa).

197. See *Lhotka v. Geographic Expeditions, Inc.*, 181 Cal. App. 4th 816, 104 Cal. Rptr. 844 (2010), cert denied 131 S. Ct. 288(2010) (37 year old decedent “died of an altitude-related illness while on a GeoEx expedition up Mount Kilimanjaro”).

See also: Steinmetz, British tourist dies after climbing Mount Kilimanjaro, www.eturbonews.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").

198. 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).

199. See Steinmetz, Tourists spend 22 hours trapped up a tree hiding from crocodiles, www.eturbonews.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.eturbonews.com (1/20/2013) ("British tourist came to the rescue of a group of paddling toddlers as he wrestled a shark heading towards them").

200. 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 trail 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 be 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").

201. 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 ").

202. 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").

203. 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").

203.1 See 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").

204. 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).

205. See e.g.,

Eleventh Circuit: *Sachs v. TWA Getaway Vacations, Inc.*, 125 F. Supp. 2d 1368 (S.D. Fla. 2000) (tour participant injured disembarking tour bus in Egypt).

State Law:

California: *Goldner v. Abercrombie & Kent International, Inc.*

(Cal. Super. Ct., Los Angeles Co., June 1, 1998, No. BC 183207)
slip op. (granting motion to compel arbitration and stating case;
plaintiff rendered paraplegic in slipping of vehicle during tour
in Western Desert of Egypt).

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).

206. 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 ").

207. 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).

208. 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 ").

209. 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).

210. See *Ex Parte Nawas International Travel Service, Inc.*, 2011 WL 755516 (Ala. Sup. 2011) (tour group in Israel takes boat ride across Sea of Galilee during which boat struck "rocks near the shoreline. The force of the crash caused My. Kelly to be thrown against a wall of the boat on which was a sharp metal hook (which cut him) below the temple, in front of his right ear and down his face to his jaw...(and) received medical treatment...at two different hospitals in Israel").

211. See *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").

212. See e.g.,

First Circuit: *Ross v. Trans National Travel*, 1990 WL 79229 (D. Mass. 1990) (tourist purchased safari tour of Kenya U.S. based tour operator through U.C.L.A. Alumni Association and during safari injures back).

Third Circuit: *Abercrombie & Kent v. Carlson Marketing Group*, 1990 WL 20213 (E.D. Pa. 1990) (tourists killed when plane crashes into mountain in Kenya).

State Law:

Washington: *Rizzutti v. Basin Travel Service* 125 Wash. App. 602, 105 P. 3d 1012 (2005) (tourists killed in airplane crash in

Kenya).

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").

213. See Winter v. I.C. Holidays, Inc., New York Law Journal, Jan. 9, 1992, p. 23, col. 4 (N.Y. Sup. 1992) (tour bus accident).

214. See Davies v. General Tours, Inc., 1999 WL 712917 (Conn. Sup. 1999) (tour participant injured in tour bus accident in Morocco).

215. See Steinmetz, Passenger Jet with foreign tourists crash-landed, www.eturbonews.com (12/25/2012) ("A Myanmar passenger jet packed with foreign tourists crash-landed and burst into flames...killing two people and injuring 11 others").

216. 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").

217. 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 (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").

218. 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").

219. 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 ancient 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").

See also: <http://europa.eu/rapid/pressRelease> (4/17/2012) ("The European Commission has adopted today (April 3, 2012) the 19th update of the European list of air carriers banned (in the EU)").

220. See Steinmetz, 31 Chinese visitors injured in Taiwan tour bus crash, 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").

221. 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 fiancée, 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 (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").

222. See Stone v. Pacific Delight Tours, New York Law Journal, Dec. 27, 1978, p. 1, col. 4 (N.Y. Sup. 1978)(accident when trishaw over turns into ditch).

223. 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:

Florida: *Pearl Cruises v. Cohon*, 728 So. 2d 1226 (Fla. App. 1999) (cruise passengers injured in automobile accident during shore excursion in Da Nang, Vietnam).

223.1 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).

224. 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 ").

225. 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 ").

225.1 **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").**

226. 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”).

227. 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 ”).

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

227.1 **See Steinmetz, Five killed, 19 injured in Belgium tour bus crash, www.eturbonews.com (4/16/2013).**

228. 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”).

229. See Steinmetz, Czech Republic bans hard liquor after bootleg booze kills 19, www.eturbonews.com (9/17/2012) (“The sale of hard liquor has been banned in the Czech Republic after 19 people died and dozens were poisoned by methanol-laced bootleg vodka and rum”).

230. See *See e.g., 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").

231. 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 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");

232. 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 lbs...had only one leg and used a wheelchair. She dies from health complications in Hungary nine days after she was kicked off the first of three flights and now her death could...be the cause of a multimillion-dollar lawsuit against the airlines").

233. 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 Reykjavik, Iceland ").

234. See 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".

235. See Roth, Planes Crashes in Fog in Kazakhstan, Killing All 21 on Board, www.nytimes.com (1/30/2013).

236. 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”).

236.1 See Steinmetz, Two bodies recovered during search for French tourists missing off Malta, www.eturbonews.com (5/8/2013).

237. 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).

Ninth Circuit: *Vorbiev v. McDonnell Douglas Helicopters, Inc.*, 2009 WL 1765675 (N.D. Cal. 2009)(three passengers survive helicopter crash in “ the village of Ulvat, Tyumen in the Russian Federation ”).

See also: Steinmetz, Passenger jet in Moscow overshot runway, www.eturbonews.com (12/31/2012) (“A Passenger jet crashed into a highway...At least four people were killed and four critically wounded”).

See also: Levy, Subway Blasts Kill Dozens in Moscow, www.nytimes.com (3/29/2010).

238. See *Melgares v. Sikorsky Aircraft Corp.*, 613 F. Supp. 2d 231 (D. Conn. 2009)(“ product liability action arising out of a July 2006 helicopter crash near Tenerife, Spain that killed six persons ”).

239. See Steinmetz, Belgium Christian Group mourns 22 children after Swiss Ski Holidays, www.eturbonews.com (3/14/2012) (bus crash against tunnel wall in Swiss canton of Valais).

239.1 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").

239.2 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");

240. 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").

241. See 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)").

242. See *Paneno v. Centres for Academic Programmes Abroad Ltd.*, 118 Cal. App. 4th 1447 (Cal. App. 2004) (student falls from balcony in Florence).

243. See Steinmetz, *British tourists kidnaped 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").

243.1 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").

244. See *Frummer v. Hilton Hotels International, Inc.*, 19 N.Y. 2d 533, 281 N.Y.S. 2d 41 (1967) (guest at London Hilton Hotel leased by Hilton Hotels (U.K.), Ltd. (" Hilton (UK) ") slips and falls in " an ' ovular ' modernistic type bathtub ").

245. See *Duffy v. Grand Circle Travel, Inc.*, 302 A.D. 2d 324 (2003) (tourist purchased a package tour featuring a cruise in France during which he was injured); *Gutman v. Club Mediterranee International*, 218 A.D. 2d 640, 630 N.Y.S. 2d 343 (1995) (

tourist injured in ski accident at Club Med facility at Tigne Val Claret, France).

246. 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").

247. See *Dorfman v. Marriott International Hotels*, 2001 WL 69423 (S.D.N.Y. 2001) (guest at Marriott Hotel in Budapest, Hungary slips and falls on unlevelled elevator); *Dorfman v. Marriott International Hotels*, 2002 WL 14363 (S.D.N.Y. 2002) (jurisdiction found).

248. See *McDermott v. Travelers Air Services, Inc.*, 462 F. Supp. 1335 (M.D. Pa. 1979) (slip and fall at hotel in Ireland).

249. See *Santora v. Starwood Hotel and Resorts Worldwide, Inc.*,

2006 WL 1371432 (N.D. Ill. 2006) (guest at Hotel Danieli-Venice trips and falls on carpet).

250. 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 ").

251. 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)).

252. 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").

252.1 See Steinmetz, 7ft alligator on the loose at Spanish resort, www.eturbonews.com (3/25/2013) ("Police on Spain was warning tourists to watch out for a 7ft alligator they have dubbed 'the Costa Croc'").

253. 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").

254. 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).

255. 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:

New York: *Ashkenazi v. Hertz Rent A Car*, 18 A.D. 3d 584, 795 N.Y.S. 2d 624 (2005) (rental car accident in Mexico); *Neville v. Anglo American Management*, 191 A.D. 2d 240, 594 N.Y.S. 2d 747 (1993) (car rental accident during student tour of England);

Weiner v. B.O.A.C., 60 A.D. 2d 427, 401 N.Y.S. 2d 91 (1978)(air carrier which organized tour of England not liable for rental car accident).

256. 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 post without warning the sleeping passengers "; maximum compensation under French law would be approximately \$100,000 "); Milgrim v. Backroads, Inc., 142 F. Supp. 2d 471 (S.D.N.Y. 2001), aff'd 91 Fed. Appx. 702 (2d Cir. 2002)(tourist injured during bike tour of Loire Valley in France).

257. See Chouset v. American Airlines, Inc., 1993 WL 501607 (E.D. La. 1993)(tour participant in an American Flyaway Tour injured when " door of a tour bus closed on his arm at a freeway rest stop ").

258. 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").

259. See Dorkin v. American Express Co., 74 Misc. 2d 673, 345 N.Y.S. 2d 891, aff'd 43 A.D. 2d 877, 351 N.Y.S. 190 (tour

participant injured when tour bus suddenly stops during tour of Holland).

260. 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 lbs...had only one leg and used a wheelchair. She dies from health complications in Hungary nine days after she was kicked off the first of three flights and now her death could...be the cause of a multimillion-dollar lawsuit against the airlines").

261. 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:

New York : Travalja v. Maieliano Tours, 622 N.Y.S. 2d 961 (N.Y.A.D. 1995) (rental car accident in Italy); Fogel v. Hertz International, 141 A.D. 2d 375, 529 N.Y.S. 2d 484 (1988) (rental car accident in Florence, Italy).

262. See Kermisch v. Avis Rent-A-Car, 71 A.D. 2d 790, 419 N.Y.S. 2d 793 (1979) (tourists arrested in Rumania for mistreating their

rental vehicle).

262.1 See Roth, Plane Crashes in Fog in Kazakhstan, Killing All 21 on Board, www.nytimes.com (1/30/2013).

263. See Ramage v. Forbes International, Inc., 1997 WL 785613 (C.D. Cal. 1997) (tour participant injured when tour bus hit bump in road outside Glasgow, Scotland).

264. See Rovinsky v. Hispanidad Holidays, Inc. 580 N.Y.S. 2d 49 (1992) (tour bus accident in Spain; tour operator represented that it owned and operated a fleet of safe buses operated by experienced staff).

265. 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 ").

266. See Fleming v. American Automobile Association, 2000 La. App. 1761 (La. App. 2000) (medical malpractice by Greek doctors who replaced tour participants hip in Athens).

267. 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 ").

268. 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).

