

DATE 02/12/2015 10:32:26 AM 11th
HARVEY RUMIN, CLERK OF COURT, MIA-DADE CTY
IN THE CIRCUIT COURT OF THE
JUDICIAL CIRCUIT IN AND FOR
MIAMI-DADE COUNTY, FLORIDA
ASBESTOS DIVISION
CASE NO. 06-00964 CA 59

GIOVANNA SETTIMI CARAFFA,
as personal representative of the
Estate of BENEDETTO EMANUELLE CARAFFA,
Plaintiff,

NOTICE OF APPEAL

vs.

CARNIVAL CORPORATION,
Defendant.

_____ /

NOTICE IS GIVEN that GIOVANNA SETTIMI CARAFFA, as personal representative of the Estate of Benedetto Emanuelle Caraffa, Plaintiff/Appellant, appeals to the Third District Court of Appeal, the order this court rendered on February 11, 2015, which entered Final Judgment in favor of Defendant Carnival Corporation (Copy attached as Exhibit 1), and the order granting Defendant Carnival Corporation’s motion to set aside the verdict and enter judgment in accordance with its prior motion for directed verdict. Copy attached as Exhibit 2. The nature of the order is a final order which dismissed the case in accordance with Carnival’s prior motion for directed verdict.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that a true and correct copy of the foregoing was furnished by email to: Noah Silverman, One Biscayne Tower, 2 South Biscayne Blvd, Suite 2300 Miami, FL 33131-1803, on February 11, 2015.

LIPCON, MARGULIES,
ALSINA & WINKLEMAN, P.A.
One Biscayne Tower, Suite 1776
2 South Biscayne Boulevard
Miami, Florida 33131
Telephone: (305) 373-3016
By: /s/Michael Winkelman
MICHAEL A. WINKLEMAN
FLORIDA BAR NO 36719

IN THE CIRCUIT COURT OF THE 11TH
JUDICIAL CIRCUIT IN AND FOR
MIAMI-DADE COUNTY, FLORIDA

ASBESTOS DIVISION
CASE NO.: 06-00964 CA 59

GIOVANNA SETTIMI CARAFFA,
as Personal Representative
of the Estate of BENEDETTO EMANUELE
CARAFFA, deceased,

Plaintiff,

v.

CARNIVAL CORPORATION,

Defendant.

_____ /

FINAL JUDGMENT

Pursuant to court order granting Defendant Carnival Corporation's renewed motion for directed verdict, final judgment is hereby entered in favor of Carnival Corporation and,

It is ORDERED and ADJUDGED that Giovanna Settimi Caraffa, as personal representative of the estate of Benedetto Emanuele Caraffa, Via Tassara 7/5. 16035, Rapallo (GE), Italy, take nothing from this action and that Carnival Corporation shall go hence without day.

The Court reserves jurisdiction to tax costs and attorneys fees, if appropriate,

on timely motion.

DONE AND ORDERED in Chambers at Miami-Dade County, Florida, on 02/11/15.



JACQUELINE HOGAN SCOLA
CIRCUIT COURT JUDGE

FINAL ORDERS AS TO ALL PARTIES
SRS DISPOSITION NUMBER **2**
THE COURT DISMISSES THIS CASE AGAINST
ANY PARTY NOT LISTED IN THIS FINAL ORDER
OR PREVIOUS ORDER(S). THIS CASE IS CLOSED
AS TO ALL PARTIES.
Judge's Initials JHS

The parties served with this Order are indicated in the accompanying 11th Circuit email confirmation which includes all emails provided by the submitter. The movant shall IMMEDIATELY serve a true and correct copy of this Order, by mail, facsimile, email or hand-delivery, to all parties/counsel of record for whom service is not indicated by the accompanying 11th Circuit confirmation, and file proof of service with the Clerk of Court.

Signed original order sent electronically to the Clerk of Courts for filing in the Court file.
Copies Furnished to Counsel of Record

IN THE CIRCUIT COURT OF THE 11TH
JUDICIAL CIRCUIT IN AND FOR
MIAMI-DADE COUNTY, FLORIDA

ASBESTOS DIVISION
CASE NO.: 06-00964 CA 59

GIOVANNA SETTIMI CARAFFA,
as Personal Representative
of the Estate of BENEDETTO EMANUELE
CARAFFA, deceased,

Plaintiff,

v.

CARNIVAL CORPORATION,

Defendant.

_____ /

AMENDED ORDER ON POST-TRIAL MOTIONS

This cause came on to be heard on February 9, 2015, on various post-trial motions filed by the parties. The Court has reviewed the pleadings, heard argument of counsel, and hereby rules as follows:

1. Defendant Carnival (“Carnival”) Corporation’s motion to set aside the verdict and enter judgment in accordance with its prior motion for directed verdict is hereby granted. The Court does not believe the evidence was sufficient to demonstrate that on Carnival Cruise Line ships, the decedent was exposed at all to friable asbestos. There was evidence that he could have been, that he might have

been, but even under a Jones Act case, it is this Court's belief that such evidence is not sufficient.

2. Carnival's alternative motion for new trial is denied. With respect to Daubert, the testimony of Plaintiff's experts was based on sufficient facts and data, was the product of reliable principles and methodology, and applied those principles and methodology to the facts of the case.

3. Carnival's motion for remittitur is denied. With respect to economic damages, the Court finds sufficient evidence, and that it was clear to the jury it was awarding a net amount. With respect to non-economic damages, every case rises and falls on its own facts. The testimony adduced at trial regarding pain and suffering was graphic, compelling and persuasive, and the jury's verdict was not the result of passion and prejudice, but human experience and knowledge. The jury was also aware of the reduction of damages which would be imposed by the percentage of comparative negligence attributed to the decedent.

4. Plaintiff's motion for judgment notwithstanding the verdict on comparative negligence is similarly denied. The evidence of comparative negligence was sufficient, the jury was properly informed, and made a well-reasoned decision.

5. Carnival's motion for temporary stay of post-judgment execution in

order to post a supersedeas bond is denied as moot.

DONE AND ORDERED in Chambers at Miami-Dade County, Florida, on 02/11/15.



JACQUELINE HOGAN SCOLA
CIRCUIT COURT JUDGE

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