FOR PUBLICATION

In the

United States Court of Appeals

For the Eleventh Circuit

No. 24-13159

JANE DOE,

Plaintiff-Appellee,

versus

CARNIVAL CORPORATION,
d.b.a. Carnival Cruise Line,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Florida
D.C. Docket No. 1:19-cv-24766-KMW

Before NEWSOM, LAGOA, and KIDD, Circuit Judges.

LAGOA, Circuit Judge:

Jane Doe sued Carnival Corporation ("Carnival") alleging, among others, claims for negligent hiring and supervision, and intentional infliction of emotional distress, false imprisonment, and sexual assault by a crewmember of a passenger. Before trial, the district court granted Doe's partial summary judgment motion for false imprisonment liability and reserved the issue of damages for the jury to decide. After a six-day trial, a jury found Carnival liable for sexual assault but rejected Doe's negligence and intentional infliction of emotional distress claims. The jury awarded approximately $10.25 million in damages.

Carnival now appeals the adverse judgment on the sexual assault claim and the damages award. Specifically, Carnival challenges various aspects of the trial proceedings, such as the jury's inability to consider crucial evidence and the scope of Carnival's cross-examination of Doe's experts with regards to that evidence. Though procedurally this appeal comes to us after the jury's verdict, Carnival also argues that the partial summary judgment order was the root of the errors at trial. Because that order is now appealable, we review it below and consider whether a new trial is required.

After careful review and with the benefit of oral argument, we reverse the district court's partial summary judgment order on the false imprisonment claim, vacate in part the district court's judgment as to the false imprisonment and sexual assault claims, and remand for a new trial on the false imprisonment and sexual assault claims.

I. FACTUAL AND PROCEDURAL HISTORY

On December 1, 2018, Doe, a passenger aboard Carnival's *Miracle* cruise ship, was drinking with friends. After becoming inebriated, Doe found herself separated from her friends and in a maintenance closet aboard the ship with Fredy Anggara, a crewmember working as a cleaner on board. How she got there, what happened in the storage closet, and what happened afterwards are all heavily disputed. But what is undisputed is that after the encounter, Doe immediately told her friend that she was held in the closet against her will and sexually assaulted by Anggara. Doe also provided a handwritten statement to Carnival's security officers shortly afterwards recording her memory of the encounter.

FBI Special Agents ("SA") Sarah Andreasen and William Ortiz responded to the incident. As part of their investigation, the SAs did not review Carnival's security footage or Doe's handwritten statements. But the SAs did interview Doe and Anggara about what happened. According to SA Andreasen's handwritten notes ("FBI Notes"), Doe stated that Anggara locked the doors to the closet once they were inside but she could not remember if she consented to the sexual conduct. Doe admitted she was drinking heavily prior to the encounter. For his part, Anggara stated that Doe followed him into the closet as he was putting materials away, asked him to close the door, and initiated the sexual conduct. Anggara claimed that he did not know Doe was inebriated.

Following the investigation, the FBI Notes were memorialized in two FBI reports titled "Investigation into alleged sexual misconduct aboard the Carnival Cruise Ship 'Miracle'" and "Liaison with Carnival Cruise Ship Miracle Chief Security Officer Vikram Singh" (together, the "FBI Reports"). The FBI Reports recounted the investigation, SA Andreasen's conclusion that the sexual encounter was consensual at the time of the event and the fact that a federal prosecutor declined to prosecute.

On November 18, 2019, Doe filed a lawsuit against Carnival alleging, among others, general maritime law claims for negligent hiring and supervision, negligent infliction of emotional distress, and intentional infliction of emotional distress, false imprisonment, and sexual assault of a passenger by a crewmember.

During discovery, Carnival deposed Doe about her recollection of what happened that night. In the main, Doe's testimony reflected what she provided in her handwritten statement to Carnival. But Doe could not recall the precise details of the encounter, such as how she entered the closet, whether she consented to the sexual conduct that happened inside, and whether Anggara locked the door or whether she attempted to leave but was stopped from doing so.

Anggara was not deposed during discovery and was unavailable for trial. Thus, the FBI Notes and Reports were the main sources for Anggara's description of the events.

After the close of discovery, Doe filed a motion for partial summary judgment on her false imprisonment claim, arguing that

Carnival did not have any evidence to dispute Doe's allegations of unlawful detention in the maintenance closet. In response, Carnival cited the FBI Reports for Anggara's version of the events and the FBI's conclusion that the encounter was consensual to show that there was a dispute of material fact as to whether Doe could have left the maintenance closet at any time. And in her reply, Doe argued that the FBI Reports could not be relied on because they were inadmissible hearsay.[1]

While the district court's decision on Doe's motion for partial summary judgment was pending, Doe filed a motion in limine to exclude the FBI Reports in their entirety—including SA Andreasen's conclusion that the incident was consensual and the fact that the government declined to prosecute—on the grounds that they were inadmissible hearsay. In its response, Carnival argued that the FBI Reports and their factual findings were admissible under the public records exception to the hearsay rule. And in her reply, Doe argued that even if the FBI Reports were admissible hearsay, the statements and factual findings would be unduly prejudicial to Doe at trial.

On June 26, 2021, a magistrate judge issued a report and recommendation recommending, in relevant part, that Doe's motion

[1] Carnival also cross-moved for partial summary judgment on Doe's negligent infliction claim, which the district court granted. Doe does not cross-appeal this portion of the partial summary judgment order. Unless otherwise specified, references to the order throughout this opinion refer to the portion addressing Doe's false imprisonment claim.

for partial summary judgment on the false imprisonment claim be granted because Anggara's statements, as memorialized in the FBI Reports, were hearsay and did not fall within any hearsay exception. Without Anggara's statements, the magistrate judge concluded, there was no dispute of material fact that Doe could not freely leave the maintenance closet. The magistrate judge did not address whether SA Andreasen's conclusion that the encounter was consensual and the fact of the government's declination to prosecute were admissible notwithstanding.

Carnival filed an objection to the report and recommendation, arguing in relevant part, that the FBI's conclusions were admissible under the public records exception to the hearsay rule. Carnival distinguished between Anggara's statements in the FBI Reports, which constituted double hearsay, and the FBI Reports' conclusions, which only had one level of hearsay. Carnival argued that this single-level hearsay meant that the FBI Reports' conclusions were admissible unless Doe could show that SA Andreasen was untrustworthy, a burden Doe had not met. So, the FBI's conclusions, Carnival argued, created a dispute of material fact for Doe's false imprisonment claim.

The district court accepted the report and recommendation in full and precluded Carnival from challenging liability for false imprisonment at trial. Shortly before trial, the district court granted Doe's motion in limine as to the FBI Reports but noted that the FBI Notes were stipulated into evidence by the parties.

During the ensuing six-day trial, three evidentiary issues arose that are relevant to this appeal.

First, at Doe's request, the trial court admitted the FBI Notes into evidence. Since there were now two accounts in the record of what happened that night, Carnival requested that the district court reconsider its partial summary judgment order on the false imprisonment claim. Despite recognizing that the two accounts in the FBI Notes were "diametrically opposed" and created a dispute of material fact, the district court declined to revisit the summary judgment order on the grounds that reconsideration would be prejudicial to Doe at that stage of trial.

Second, SA Andreasen testified about her experience investigating sexual assault. SA Andreasen received about five months of training for investigating criminal situations and primarily investigated violent crimes, such as sexual assaults. Her training involved conducting investigations from start to finish; interviewing witnesses, subjects of investigation, and victims; and conducting additional surveillance to further these investigations. SA Andreasen employed this training to conduct shipboard investigations about seven or eight times prior to her investigation of Doe's encounter with Anggara.

Because the FBI Reports were excluded, the district court precluded SA Andreasen from discussing her finding that the encounter was consensual and the government's declination of prosecution. But because the FBI Notes were stipulated into evidence, SA Andreasen was allowed to recount who she talked to, what they told her, and what she put into her notes. SA Andreasen testified that Doe could not recall if the entire encounter was consensual and that Anggara believed that it was.

Third, Doe's two experts testified about Carnival's security protocols and the damages Doe suffered, respectively. Both experts relied on the FBI Reports for their analyses in their expert reports. But because the FBI Reports were excluded from evidence, the district court precluded Carnival from asking about the reports during cross-examination, even for purposes of impeachment.

At the conclusion of trial, the district court charged the jury with the following on Doe's false imprisonment claim:

> False imprisonment is unlawful restraint of a person against their will, the gist of which is the unlawful detention of that person, and the deprivation of their liberty. The only issue for your determination on the matter of false imprisonment is whether the false imprisonment caused plaintiff damages and, if so, what amount.

Dkt. No. 320 at 151:12–17.

As to Doe's sexual assault claim, the district court charged the jury with the following:

> Plaintiff must prove by a preponderance of the evidence that:
>
> 1. Fredy Anggara participated in the sexual act with plaintiff;

> 2. The sexual act was committed without plaintiff's consent; and
>
> 3. Fredy Anggara did these acts knowingly.
>
> . . . .
>
> "Consent" means intelligent, knowing, and voluntary consent and does not include coerced submission. Consent does not mean the failure by an alleged victim to offer physical resistance to the offender. Moreover, there is no consent if a person is incapable of appraising the nature of the conduct.

Dkt. No. 320 at 147:24–148:1–5, 11–15.

The jury concluded that Anggara sexually assaulted Doe but found in favor of Carnival on Doe's negligence and intentional infliction claims. In total, the jury awarded approximately $10.25 million to Doe.

Carnival timely filed the present appeal. Doe, however, did not cross appeal the jury's verdicts for Carnival. [2]

[2] Because Doe does not cross-appeal the jury's verdicts for Carnival, she has waived reconsideration of these issues and the new trial on remand will not relitigate her negligence and intentional infliction claims. *See Nurse "BE" v. Columbia Palms W. Hosp. Ltd. P'ship*, 490 F.3d 1302, 1308 n.10 (11th Cir. 2007); *Peat, Inc. v. Vanguard Rsch., Inc.*, 378 F.3d 1154, 1165 n.5 (11th Cir. 2004); *United States v. Sanchez*, 269 F.3d 1250, 1292 n.7 (11th Cir. 2001) (en banc) (Tjoflat, J., concurring) *abrogation in part recognized by United States v. Duncan*, 400 F.3d 1297, 1308 (11th Cir. 2005).

II. STANDARD OF REVIEW

We review de novo a grant of partial summary judgment. *LaCourse v. PAE Worldwide Inc.*, 980 F.3d 1350, 1355 n.5 (11th Cir. 2020) (quoting *Allison v. McGhan Med. Corp.*, 184 F.3d 1300, 1306 (11th Cir. 1999)). Summary judgment on a claim is appropriate "if the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law." Fed. R. Civ. P. 56(a). "A genuine issue of material fact exists when 'the evidence is such that a reasonable jury could return a verdict for the nonmoving party.'" *Bowen v. Manheim Remarketing, Inc.*, 882 F.3d 1358, 1362 (11th Cir. 2018) (quoting *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248 (1986)). In our review of the district court's grant of summary judgment, we draw "all reasonable inferences in the light most favorable to [the non-moving party]." *Id.* (quotation omitted).

III. ANALYSIS

At the outset, we recognize the exceptional procedural posture of Carnival's appeal. After three years of discovery, a six-day jury trial, and significant time and expense incurred by the parties from litigating sensitive issues, we are asked to vacate the jury's sexual assault verdict and the accompanying $10.25 million judgment award on two grounds. First, that the district court erred by granting partial summary judgment in favor of Doe. And second, that this error was inextricably entangled with the claims and defenses presented at trial and a new trial is required.

But such is the nature of our limited appellate jurisdiction over interlocutory appeals. Under 28 U.S.C. § 1291, appellate courts have "jurisdiction of appeals from all final decisions of the district courts of the United States." To be appealable (with exceptions not relevant here), a district court's order must be final. *S.S. ex rel. A.S. v. Cobb Cnty. Sch. Dist.*, 43 F.4th 1165, 1169–1170 (11th Cir. 2022) (quoting *CSX Transp., Inc. v. City of Garden City*, 235 F.3d 1325, 1327 (11th Cir. 2000)).

"A final decision is one which ends the litigation on the merits and leaves nothing for the court to do but execute the judgment." *Positano Place at Naples I Condo. Assoc., Inc. v. Empire Indemn. Ins. Co.*, 84 F.4th 1241, 1248 (11th Cir. 2023) (quotation omitted). For example, "[i]f an order disposes of fewer than all the claims of all the parties or contemplates further substantive proceedings, it is not final." *Aguirre v. Seminole Cnty.*, 158 F.4th 1276, 1291 (11th Cir. 2025) (citing *Supreme Fuels Trading FZE v. Sargeant*, 689 F.3d 1244, 1245–46 (11th Cir. 2012) (per curiam)). Moreover, "a district court order is not final … if it does not dispose of all of the plaintiff's prayers for relief." *S.S. ex rel. A.S.*, 43 F.4th at 1170 (quotation omitted); *see Liberty Mut. Ins. Co. v. Wetzel*, 424 U.S. 737, 742 (1976).

The district court's partial summary judgment order "on the issue of [false imprisonment] liability" is not an order that "can ever be considered 'final'" for purposes of appellate jurisdiction. *See Gen. Telev. Arts, Inc. v. S. Ry. Co.*, 725 F.2d 1327, 1331 (11th Cir. 1984) (quotation omitted); *see also Winfield v. St. Joe Paper Co.,* 663 F.2d 1031, 1032 (11th Cir. 1981). Indeed, the order itself contemplated that the damages for false imprisonment liability were subject to jury determination and Doe's remaining negligence, intentional infliction, and sexual assault claims required further substantive proceedings. *See Wetzel*, 424 U.S. at 744 (holding that a grant of partial summary judgment is not final "where assessment of damages or awarding of other relief remains to be resolved"). If Carnival appealed the order at the time it was issued, we would have dismissed the premature appeal for lack of jurisdiction. *See Davis v. Legal Servs. Ala., Inc.*, 19 F.4th 1261, 1271 (11th Cir. 2021) (dismissing cross-appeal for lack of jurisdiction because it was premature).

After trial and the accompanying final judgment order, the partial summary judgment order merged into the final judgment and became reviewable on appeal. *See Lind v. UPS, Inc.*, 254 F.3d 1281, 1284 n.4 (11th Cir. 2001); 10A C.A. Wright, A. Miller & M.K. Kane, Fed. Prac. & Proc. § 2715 (4th ed. 2013) ("[A] partial summary judgment determining that a certain issue or issues related to the claims or defenses are to be deemed established for the trial of the case generally is not appealable until after the case has been tried."). With the assurance of our jurisdiction in mind, *see S.S. ex rel. A.S.*, 43 F.4th at 1169, we turn now to the district court's partial summary judgment order.

A. Partial Summary Judgment

At summary judgment, Carnival cited SA Andreasen's conclusions in the FBI Reports as evidence that there was a genuine dispute of material fact as to whether Doe was detained against her will. The FBI Reports included a summary, based on the FBI

Notes, of Doe and Anggara's statements to SA Andreasen, and SA Andreasen's conclusions that the encounter was consensual and that the government declined to prosecute. But instead of considering whether the latter were admissible under the public records exception to hearsay, the district court excluded the reports in their entirety.[3]

The public records exception to the hearsay rule states that "[a] record or statement of a public office" that "sets out … factual findings from a legally authorized investigation" is "not excluded by the rule against hearsay." Fed. R. Evid. 803(8)(A).[4] Admissible factual findings will nevertheless be excluded if the opponent

[3] Doe argues that Carnival waived the public records exception when it did not raise it in response to her partial summary judgment motion. But Carnival raised this exception in its response to Doe's motion in limine and in its objection to the report and recommendation. *See McGroarty v. Swearingen*, 977 F.3d 1302, 1306 (11th Cir. 2020); *Smith v. Marcus & Millichap, Inc.*, 106 F.4th 1091, 1097 (11th Cir. 2024). By accepting the report and recommendation and granting Doe's motion in limine, the district court considered the public records exception in the first instance and the admissibility of the FBI Reports' conclusions under that exception is thus properly before us. *Cf. Access Now, Inc. v. Sw. Airlines Co.*, 385 F.3d 1324, 1331 (11th Cir. 2004).

[4] Doe does not dispute that the FBI Reports were the result of a "legally authorized investigation" and though she briefly argues that the conclusions in the report were not "factual findings," she presents conclusory assertions and cites no case law in support. *See Sapuppo v. Allstate Floridian Ins. Co.*, 739 F.3d 678, 681(11th Cir. 2014). Doe's failure to adequately brief this argument, thus, means that she has abandoned it. *See id.* at 682 ("A party fails to adequately 'brief' a claim when [s]he does not 'plainly and prominently' raise it[.]").

"show[s] that the source of information or other circumstances indicate a lack of trustworthiness." Fed. R. Evid. 803(8)(B). "To evaluate trustworthiness, courts are to look at a nonexhaustive list of four factors: the timeliness of the investigation, the investigator's skill/experience, whether a hearing was held, and possible bias." *Crawford v. ITW Food Equip. Grp., LLC*, 977 F.3d 1331, 1347 (11th Cir. 2020) (citing *Beech Aircraft Corp. v. Rainey*, 488 U.S. 153, 167 n.11 (1988)). The burden of demonstrating a lack of trustworthiness falls on Doe as the party opposing admission. *Id.* (citing Fed. R. Evid. 803(8)(B)).

To start, when a public record "contains multiple levels of hearsay, each level must satisfy an exception to the hearsay rule." *Id.* at 1348. The district court was correct in excluding the portion of the FBI Reports recounting Anggara's version of the events as inadmissible hearsay. Such "statements made by third persons under no business duty to report may not [be admitted]" because double hearsay, or "[h]earsay within hearsay subject to an exception[,] is not admissible." *See United Techs. Corp. v. Mazer*, 556 F.3d 1260, 1278 (11th Cir. 2009) (quotation omitted). And "placing otherwise inadmissible hearsay statements by third-parties into a government report does not make the statements admissible." *Id.* (quotation omitted). But "entries in a police report which result from the officer's own observations and knowledge may be admitted[.]" *Id.* (quotation omitted). SA Andreasen's own conclusion that Doe's encounter with Anggara was consensual and knowledge of the government's decision not to prosecute, thus, required their own Rule 803(8) analysis. *See Crawford*, 977 F.3d at 1348.

Doe argues that SA Andreasen's conclusions from her perfunctory investigation were not trustworthy. In support, Doe argues that SA Andreasen's investigation was incomplete because she should have, but did not, view Carnival's security footage and the handwritten statement Doe provided to Carnival. In addition, Doe alleges that SA Andreasen failed to reconcile the numerous drinks Doe admitted she consumed with Anggara's statements that he did not think Doe was intoxicated.

We conclude that Doe has not met her burden of demonstrating that the FBI Reports' conclusions could not be trusted. In her briefs, Doe concedes that the FBI's investigation was timely. Indeed, the SAs interviewed Doe and Anggara mere hours after the encounter and the FBI Reports were prepared shortly after. Though Doe alleges that SA Andreasen lacked skill and was biased, she does so in conclusory fashion. Doe also notes that no hearing was held but fails to explain why a hearing would be performed in the ordinary course of the FBI's investigation into alleged sexual assault or would have otherwise been appropriate in this context. Instead, Doe suggests that the conclusions were untrustworthy because SA Andreasen's investigation deviated from how Doe herself would have investigated the incident.

None of the reasons Doe proffers, however, overcomes the "assumption that a public official will perform [her] duty properly" and the "reliability gained from regularly conducted activities generally." *Carrizosa v. Chiquita Brands Int'l, Inc.*, 47 F.4th 1278, 1297 (11th Cir. 2022) (quoting *United States v. Garland*, 991 F.2d 328, 335

(6th Cir. 1993)). Indeed, the record weighs against Doe's position. At trial, SA Andreasen testified that she received five months of training for investigating violent crimes, including sexual assaults. As part of her training, she was taught to conduct investigations from start to finish by interviewing witnesses, subjects of investigation, and victims, and learned when additional surveillance is necessary to further an investigation. Without supporting evidence to the contrary, Doe has not met her burden of showing that the factual findings in the FBI Reports were untrustworthy; SA Andresen's conclusions were thus admissible as a hearsay exception.

Doe argues in the alternative, that SA Andreasen's conclusions are inadmissible under Fed. R. Evid. 403. Though the fact of the government's declination of prosecution is likely unduly prejudicial, *see Aetna Cas. and Sur. Co. v. Gosdin*, 803 F.2d 1153, 1160 (11th Cir. 1986), there is no indication that the consensual-encounter conclusion is any more prejudicial than other evidence Doe may find unfavorable. To the contrary, this evidence is highly probative because it was the only counterfactual in the record and serves as the basis for reversing partial summary judgment. *See United States v. Lopez*, 649 F.3d 1222, 1247 (11th Cir. 2011). Indeed, at the summary judgment stage, "a district court may consider a hearsay statement … if the statement could be reduced to admissible evidence at trial" and "[t]he most obvious way that hearsay testimony can be reduced to admissible form is to have [SA Andreasen] testify directly to the matter at trial," as she has already done below. *See Jones v. UPS Grnd. Frght.*, 683 F.3d 1283, 1293–94 (11th Cir. 2012); Fed. R. Civ. P. 56(c)(2). We thus reject Doe's argument and—in "look[ing] at the evidence in a light most favorable to its admission," *Lopez*, 649 F.3d at 1247—at the summary judgment stage, we conclude that the consensual-encounter conclusion is not barred by Rule 403. *See Jones*, 682 F.3d at 1293–94.

Having concluded that SA Andreasen's consensual-encounter conclusion was admissible, we also conclude that at the summary judgment stage there was a dispute of material fact as to whether Doe was confined in the maintenance closet against her will. "To state a claim for false imprisonment [under maritime law], a plaintiff must allege a willful detention without [her] consent and without lawful authority." *Maglana v. Celebrity Cruises Inc.*, 136 F.4th 1032, 1041 (11th Cir. 2025).[5] Viewed in light most favorable to the non-moving party, Carnival, SA Andreasen's consensual-encounter conclusion could disprove Doe's allegation that the detention was without her consent and lead a reasonable jury to find in favor of Carnival for Doe's false imprisonment claim. *See Bowen*, 882 F.3d at 1362. False imprisonment liability, thus, was for the jury as the fact-finder to decide and the district court's denial of

[5] In their briefs below on Doe's motion for partial summary judgment, Doe and Carnival disputed whether Florida law or the Restatement of Torts governed Doe's maritime tort claim for false imprisonment. During the pendency of this appeal, and after the appeal was fully briefed, we addressed, as a matter of first impression, the elements of a claim for false imprisonment under general maritime law. *See Maglana*, 136 F.4th at 1041. Since consent is a defense to false imprisonment under both the Restatement of Torts, *see generally* Restatement (Second) of Torts § 35, and Florida law, *see Conner v. Florida*, 19 So.3d 1117, 1123 (Fla. 2d DCA 2009), evidence of Doe's consent to her encounter with Anggara creates a dispute of material fact under either legal framework.

that opportunity constitutes reversible error. We next consider the effect the district court's erroneous partial summary judgment ruling on the false imprisonment claim had on the trial.

B. Effect on trial

Given the critical relationship between the FBI Reports and Carnival's defense, the erroneous grant of partial summary judgment on the false imprisonment claim "could have affected the outcome of the case" in three respects. *See FIGA v. R.V.M.P. Corp.*, 874 F.2d 1528, 1532 (11th Cir. 1989). First, the district court's analysis at summary judgment similarly led it to erroneously exclude the FBI Reports in their entirety from trial. As a result, SA Andreasen was limited to recounting who she talked to, what they told her, and what she put into her notes but was unable to testify about her conclusions resulting from her investigation. And even though Doe's experts relied on the FBI Reports in their analysis, Carnival was precluded from asking the experts about the reports. Second, the jury was instructed that Carnival was already liable for false imprisonment, which included an instruction that Doe was unlawfully restrained against her will. Such an instruction could lead a jury to infer that the sexual conduct was similarly against her will. Third, and along similar lines, proof of consent is a defense for Doe's claims for false imprisonment and sexual assault. So, the FBI's factual finding that the encounter was consensual is relevant to both claims, especially since both claims arose out of the same set of facts and timeline of events. Though SA Andreasen testified about Doe's and Anggara's respective accounts of the events, her conclusion from her investigation could have been the deciding factor for the jury.

We thus conclude that a new trial is warranted for the false imprisonment and sexual assault claims. *FIGA*, 874 F.2d at 1533 ("[T]he scope of a new trial may be limited to a single issue when the issue as to which a new trial is required is separate from all other issues and the error requiring a new trial does not affect the determination of any other issue."). But because Doe did not cross-appeal the jury's negligence and intentional infliction verdicts, which the jury decided in favor of Carnival, the new trial will not relitigate those claims of negligence and intentional infliction. *See Peat, Inc.*, 378 F.3d at 1165 n.5 (11th Cir. 2004); *Mekdeci ex rel. Mekdeci v. Merrell Nat'l Lab'ys*, 711 F.2d 1510, 1513 (11th Cir. 1983).

IV. CONCLUSION

For the reasons discussed above, we reverse the district court's grant of partial summary judgment on the false imprisonment claim, vacate in part the judgment of the district court as to the false imprisonment and sexual assault claims, and remand for a new trial on the false imprisonment and sexual assault claims, consistent with this opinion.[6]

REVERSED IN PART, VACATED IN PART, AND REMANDED.

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[6] We do not address any of the remaining issues raised on appeal by Carnival.