

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

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No. 11-10815  
Non-Argument Calendar

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FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT MARCH 20, 2012 JOHN LEY CLERK
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D.C. Docket No. 1:09-cv-20800-EGT

KATHRYN GROVES,

Plaintiff-Appellant,

versus

ROYAL CARIBBEAN CRUISES, LTD.,  
a Liberian corporation,

Defendant-Appellee.

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Appeal from the United States District Court  
for the Southern District of Florida

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(March 20, 2012)

Before MARCUS, MARTIN, and HILL, Circuit Judges:

PER CURIAM:

Appellant Kathryn Groves (Groves) was injured on Appellee, Royal Caribbean Cruises, Ltd.'s, cruise ship, M/S Freedom of the Seas (RCL). When leaving the carpeted dining room, Groves slipped and fell as she stepped backwards from the carpeted area onto the granite hard floor of the wait station.

In 2009, Groves filed a complaint, alleging, for purposes of this appeal, that RCL is liable for the negligent design of the area in the dining room where the accident occurred.<sup>1</sup> The district court found that Groves presented no evidence that RCL actually created, participated in, or approved the alleged negligent design of these areas near the dining room where Groves was injured. It granted summary judgment to RCL on Groves's negligent design of the dining area claim.

Under the law in this circuit, RCL can be liable only for negligent design of the dining area if it had actual or constructive notice of such hazardous condition. *See Keefe v. Bahama Cruise Line, Inc.*, 867 F.2d 1318, 1322 (11th Cir. 1989); *Everett v. Carnival Cruise Lines*, 912 F.2d 1355 (11th Cir. 1990). The district court found that it did not. We agree.

Having reviewed the record in this appeal, the briefs and the argument of counsel, we find no error, and affirm the judgment of the district court.

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<sup>1</sup> Groves also appealed the district court's exclusion of her expert witness's testimony on the design flaw issue. As there is no negligent liability attributable to RCL, the district court considered this issue as moot. We agree.

AFFIRMED.