

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

**Case No.: 16-20897-CR-SEITZ**

UNITED STATES OF AMERICA,

Plaintiff,

v.

PRINCESS CRUISE LINES, LTD,

Defendant.

**EMERGENCY MOTION TO INTERVENE TO ASSERTS RIGHTS UNDER THE  
CRIME VICTIMS’ RIGHTS ACT**

**HEARING REQUESTED**

COME NOW Fotini Tsavousis Duncombe, Theodore Thoma, and Eric Forrer (collectively, “Victims”), pursuant to the Crime Victims’ Rights Act (CVRA), 18 U.S.C. § 3771, and Federal Rules of Criminal Procedure 60(a)(3) and (b)(1), to assert their rights under the CVRA, including in particular: their right to be reasonably heard at the upcoming June 3, 2019 hearing on the issue of a proposed joint resolution of alleged probation violations; their right to confer with the attorney for the Government on the proposed joint resolution; and their right to be informed in a timely manner of any proposed joint resolution. *Id.* at (a)(4), (5), and (9).

Victims have not received notice of any of the critical information to allow them to meaningfully exercise their rights at the June 3rd hearing. In order to provide a meaningful opportunity to confer, the Court should delay its final consideration of the proposed joint resolution until (1) Victims are provided access to the evidence of Carnival’s ongoing criminal activities, as found by the Government; (2) Victims are provided access to the proposed joint

1 resolution; (3) then, with that knowledge, Victims are provided an opportunity to confer with the  
2 attorneys for the Government; and (4) Victims are provided an opportunity to submit written and  
3 oral testimony to the Court on the proposed joint resolution.

4 The Victim's reasoning and arguments are set forth in the memorandum in support filed  
5 simultaneously with this motion.  
6

7 Emergency Declaration:

8 After reviewing the facts and researching applicable  
9 legal principles, I certify that this motion in fact  
10 presents a true emergency (as opposed to a matter  
11 that may need only expedited treatment) and  
12 requires an immediate ruling because the Court  
13 would not be able to provide meaningful relief to a  
14 critical, non-routine issue after the expiration of  
15 seven days. I understand that an unwarranted  
16 certification may lead to sanctions.

17 Conferral Declaration:

18 Counsel for the movant has conferred with all  
19 parties who may be affected by the relief sought in  
20 the motion in a good faith effort to resolve the  
21 issues raised in the motion and has been unable to  
22 do so.

23 RESPECTFULLY SUBMITTED this 30th day of May, 2019.

24 **SMITH & LONWEY, PLLC**

25 By: s/ Knoll Lowney  
26 Knoll Lowney, *pro hac vice* pending  
27 2317 E. John Street,  
28 Seattle, WA 98112  
29 Tel: (206) 860-2883;  
Email: knoll@smithandlowney.com

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By: /s/ Stephen S. Stallings  
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Theodore Thoma, and Eric Forrer