

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 21-13119-JJ

LAUREN BARHAM,
MATTHEW UREY,

Plaintiffs-Appellants,

versus

ROYAL CARIBBEAN CRUISES, LTD.,
ID TOURS NEW ZEALAND LIMITED,
WHITE ISLAND TOURS LIMITED,

Defendants-Appellees.

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

Before: JILL PRYOR, LUCK, and LAGOA, Circuit Judges.

BY THE COURT:

This appeal is DISMISSED for lack of jurisdiction. Lauren Barham and Matthew Urey are appealing from the district court's August 23, 2021 dismissal order. In the order, the district court granted ID Tours New Zealand Limited's and White Island Tours Limited's motions to dismiss and dismissed them for lack of personal jurisdiction. The district court also partially granted Royal Caribbean Cruises, Ltd.'s motion to dismiss and dismissed some of the claims against it on the merits. Accordingly, we lack jurisdiction to review the August 23 dismissal order pursuant to 28 U.S.C. § 1291 because the order left claims pending against Royal Caribbean Cruises, Ltd. and the district court did not certify the order for immediate review

under Federal Rule of Civil Procedure 54(b). *See* 28 U.S.C. § 1291; Fed. R. Civ. P. 54(b); *Supreme Fuels Trading FZE v. Sargeant*, 689 F.3d 1244, 1245–46 (11th Cir. 2012) (noting that an order that disposes of fewer than all claims against all parties to an action is not final or immediately appealable absent certification by the district court under Rule 54(b)).

Furthermore, assuming *arguendo* that admiralty jurisdiction exists in this case, the August 23 dismissal order did not reach the merits of the claims against ID Tours New Zealand Limited or White Island Tours Limited, and the order did not determine or prejudice the substantive rights of the parties.¹ *See Sea Lane Bahamas Ltd. v. Europa Cruises Corp.*, 188 F.3d 1317, 1321–22 (11th Cir. 1999). Instead, the order dismissed the two entities for lack of personal jurisdiction, and such an order does not “fall within the limited class of interlocutory appeals authorized by 28 U.S.C. § 1292(a)(3) relating to the rights and liabilities of the parties in admiralty.” *See Seahorse Boat & Barge Corp. v. Jacksonville Shipyards, Inc.*, 617 F.2d 396, 397 (5th Cir. 1980). Accordingly, we dismiss this appeal for lack of jurisdiction.

All pending motions are DENIED as moot.

¹ Because we conclude that we lack appellate jurisdiction, we do not address the other issues raised in the jurisdictional question related to the district court’s subject matter jurisdiction. *See King v. Cessna Aircraft Co.*, 505 F.3d 1160, 1165 (11th Cir. 2007) (“[I]f the requirements for appellate jurisdiction are not met, we cannot review whether a judgment is defective, not even when the asserted defect is that the district court lacked jurisdiction.” (quotation marks omitted)).