



SAN DIEGO COUNTY  
REGIONAL AIRPORT AUTHORITY  
**STAFF REPORT**

Item No.  
**11**

Meeting Date: **MARCH 7, 2013**

**Subject:**

**Authorize the Rejection of the Claim of Arlene LaPlante**

**Recommendation:**

Adopt Resolution No. 2013-0025, authorizing the Rejection of the Claim of Arlene LaPlante.

**Background/Justification:**

On February 4, 2013, Arlene LaPlante ("LaPlante") filed a claim (Attachment A) with the Authority alleging that on August 7, 2012, she sustained injury to her spine when the seat in which she sat on the SAN PARK shuttle bus flew off its pedestal as the driver suddenly accelerated en route to Terminal One at San Diego International Airport. LaPlante claims damages in an unknown amount to exceed \$25,000.00.

LaPlante alleges in her claim that she parked her car at the SAN PARK lot on Pacific Highway. While on the SAN PARK bus, she claims the driver suddenly accelerated, causing her seat to separate from its pedestal and causing her to fall to the floor of the bus resulting in injury to her spine.

LaPlante's claim should be denied. An investigation into the incident revealed no notice of an unsafe condition to the Authority. SAN PARK shuttle buses are operated under an agreement with ACE and the claim will be tendered pursuant to that agreement.

**Fiscal Impact:**

Not applicable.

**Authority Strategies:**

This item supports one or more of the Authority Strategies, as follows:

- Community Strategy     Customer Strategy     Employee Strategy     Financial Strategy     Operations Strategy

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**Environmental Review:**

- A. California Environmental Quality Act: This Board action is not a project that would have a significant effect on the environment as defined by the California Environmental Quality Act (CEQA), as amended. 14 Cal. Code Regs. §15378. The Board action is not a "project" subject to CEQA. Cal. Pub. Res. Code §21065.
  
- B. California Coastal Act: This Board action is not a "development" as defined by the California Coastal Act. Cal. Pub. Res. Code §30106.

**Equal Opportunity Program:**

Not applicable.

**Prepared by:**

SUZIE JOHNSON  
PARALEGAL

**CLAIM AGAINST SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY**

TO: SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY  
3225 N. Harbor Drive, San Diego, CA 92101

1. Name and address of claimant:

Arlene LaPlante  
4828 Seda Drive; San Diego, CA 92124

2. Arlene LaPlante hereby asserts a claim against the San Diego County Regional Airport Authority (hereinafter "the Authority") for personal injuries and other related damages. The date, place, and circumstances of the occurrence that gave rise to this claim are as follows:

In the course of the management of the day-to-day operations of the San Diego International Airport, the Authority, via the fictitious business name of SAN PARK, operates and maintains off-site, long-term parking lots, including a lot located at 3302 Pacific Highway in the City of San Diego. In order to provide transportation for the lots' patrons to and from the airport, the Authority operates and maintains a fleet of vans with drivers. The fleet includes a certain Ford E-450, License # 8Y57523, designated as SAN PARK No. 97, which services the Pacific Highway lot.

On or about August 7, 2012, at approximately 5:40 a.m., after having parked her car at the Pacific Highway lot, Arlene LaPlante and other patrons of the lot were being transported to the airport in Van No. 97, which was then being operated by its uniformed driver, Eugene. As the van approached the curbside check-in counter for Southwest Airlines, the driver unexpectedly and suddenly accelerated the vehicle, and Ms. Laplante's seat, including its back, flew off its pedestal. As a result, Ms. Laplante and the seat crashed to the floor thereby injuring Ms. LaPlante's spine. An immediate inspection of the detached seat by the driver revealed that it had not been properly attached to its pedestal; therefore, the van was then taken out of service.

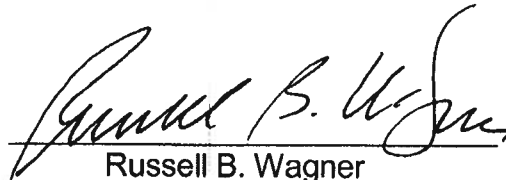
3. It is the claimant's contention that the Authority, through its authorized agents and employees, is legally responsible for the claimant's injuries as a result of the driver's negligent operation of the van, and as a result of the Authority's negligent maintenance of the vehicle, and as a result of the incidental dangerous condition of public property.

4. The amount of damages claimed, as of the date of presentation of this claim, is a sum that would require the filing of a civil suit of unlimited jurisdiction.

5. Ms. LaPlante hereby requests that all notices or other communication with regard to this claim be sent to her attorney , Russell B. Wagner, at the following address:

Russell B. Wagner, Esq.  
5445 Oberlin Drive, Ste. 200  
San Diego, CA 92121

DATED: 2/4/13

A handwritten signature in black ink, appearing to read "Russell B. Wagner", written over a horizontal line.

Russell B. Wagner  
Attorney for Claimant

PROOF OF SERVICE  
STATE OF CALIFORNIA, COUNTY OF SAN DIEGO  
Arlene LaPlante v. San Diego County Regional Airport Authority (Government Claim)

I, the undersigned, certify that I am over the age of 18 years and not a party to the within action. My business address is: 5445 Oberlin Drive, Suite 200, San Diego, California 92121.

On February 4, 2013, I served the following documents, described as:

Claim Against San Diego County Regional Airport Authority

by placing a true copy thereof in an envelope addressed as stated:

(X) on the attached mailing list

( ) as follows:

I caused each envelope to be sent by Overnight Courier (Federal Express)

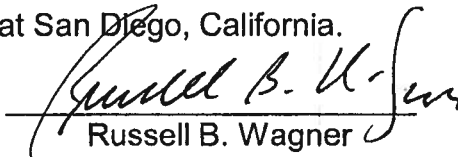
(By Certified Mail) On this day I personally deposited the said envelope with the U.S. Postal Service, for certified mail, with return receipt requested, with postage thereon fully prepaid at San Diego, California.

(X) (By Personal Service) I delivered such envelope by hand to the offices of the addressee.

(By FAX) I caused each document to be sent by FAX to the parties listed on the attached mailing list.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on 2-4-13 at San Diego, California.

  
\_\_\_\_\_  
Russell B. Wagner

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Re: LaPlante v. San Diego County Regional Airport Authority (Government Claim)

MAILING LIST

San Diego County Regional Airport Authority  
3225 N. Harbor Drive  
San Diego, CA 92101

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RESOLUTION NO. 2013-0025

A RESOLUTION OF THE BOARD OF THE  
SAN DIEGO COUNTY REGIONAL AIRPORT  
AUTHORITY AUTHORIZING THE REJECTION OF  
THE CLAIM OF ARLENE LAPLANTE.

WHEREAS, on February 4, 2013, Arlene LaPlante filed a claim with the San Diego County Regional Airport Authority for damages she allegedly incurred as a result of her seat crashing to the floor as she sat in it when she rode a SAN PARK shuttle bus from the parking lot on Pacific Highway to Terminal One at San Diego International Airport; and

WHEREAS, at its regular meeting on March 7, 2013, the Board considered the claim filed by Arlene LaPlante, the report submitted to the Board, and found that the claim should be rejected.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby AUTHORIZES the rejection of the claim of Arlene LaPlante.

BE IT FURTHER RESOLVED that this Board DETERMINES this action is not a "project" as defined by the California Environmental Quality Act (CEQA), Cal. Pub. Res. Code §21065; nor is it a "development" as defined by the California Coastal Act, Cal. Pub. Res. Code §30106.

PASSED, ADOPTED, AND APPROVED by the Board of the San Diego County Regional Airport Authority at a regular meeting this 7th day of March, 2013, by the following vote:

AYES: Board Members:

NOES: Board Members:

ABSENT: Board Members:

ATTEST:

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TONY R. RUSSELL  
DIRECTOR, CORPORATE SERVICES/  
AUTHORITY CLERK

APPROVED AS TO FORM:

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BRETON K. LOBNER  
GENERAL COUNSEL

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