



SAN DIEGO COUNTY
REGIONAL AIRPORT AUTHORITY
STAFF REPORT

Item No.

5

Meeting Date: **MARCH 1, 2012**

Subject:

Authorize the Rejection of the Claim of Bobby Fikes

Recommendation:

Adopt Resolution No. 2012-0026, authorizing the rejection of the claim of Bobby Fikes.

Background/Justification:

On January 19, 2012, Bobby Fikes ("Fikes") filed a claim (Attachment A) with the Authority alleging that on July 21, 2011, his daughter Mekeda injured her foot as they rode down the escalator in Terminal One at San Diego International Airport. Fikes claims damages in an unknown amount that exceeds ten thousand (\$10,000) dollars.

Fikes alleges in his claim that on July 21, 2011, he and his daughter were riding the escalator in Terminal One when his daughter's foot became caught between the escalator step and the stationary side wall, requiring the response of the San Diego Fire Department and their Heavy Rescue group to free her foot. Fikes claims his daughter was transported to the Emergency Room at Rady Children's Hospital where she was released the next day.

Fikes's claim should be denied. An investigation into the incident revealed no unsafe condition nor any notice to the Authority of an unsafe condition of the escalator. Video retrieved of the incident appears to show the claimant and his daughter on the escalator with the daughter alternately facing forward and facing sideways, situating her open-toed sandals up against the stationary side as the steps descend. The claimant is holding her hand but faces forward and is completely unaware that his daughter has her feet on the side of the escalator. As they near the bottom of the escalator where the steps proceed to collapse into one another to create a flat walking surface, the upward motion of the step against the stationary side pulls the daughter's sandal into the miniscule space between the steps and the wall. At this point, the escalator safety feature triggers a complete stop of the escalator and rescue efforts ensue. Once her foot was released, paramedics found a minor cut under a toe and she was able to move and wiggle her toes.

Fiscal Impact:

Not applicable.

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Authority Strategies:

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

- Community Strategy Customer Strategy Employee Strategy Financial Strategy Operations Strategy

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



JAN 19 2012

ATTACHMENT A

FOR AUTHORITY CLERK USE ONLY

Document No.: CL-160


Filed: 1/19/12

SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY ACCIDENT OR DAMAGE CLAIM FORM

Please complete all sections. Incomplete submittals will be returned, unprocessed. Use typewriter or print in ink.

1) Claimant Name: <u>FIKES Bobby</u>	
2) Address to which correspondence regarding this claim should be sent: <u>3307 Wain Right Ln. San Diego, CA 92123</u>	
Telephone No.: <u>(858) 384-6736</u>	Date: <u>12-28-2011</u>
3) Date and time of incident: <u>07-21-2011</u>	
4) Location of incident: <u>San Diego Airport Escalator #5</u>	
5) Description of incident resulting in claim: <u>See Attached</u>	
6) Name(s) of the Authority employee(s) causing the injury, damage or loss, if known: <u>Escalator at The San Diego Airport</u>	
7) Persons having firsthand knowledge of incident:	
Witness (es) <u>Banach Dana</u>	Physician(s): <u>RASH, FRACI, BUTLER-GREG</u>
Name: <u>HMS HOST EMP</u>	Name: <u>PCMM</u>
Address: <u>3665 N Harbor Dr San Diego, CA</u>	Address: <u>34800 Bob Wilson Dr San Diego, CA 92134</u>
Phone: <u>(619) 450-3458</u>	Phone: <u>1-800-404-4506</u>

8) Describe property damage or personal injury claimed:
See Attached
9) Owner and location of damaged property or name/address of person injured:
MEKEDA FIKES GABRIELA
3307 WAIN Right LN.
San Diego CA 92123
10) Detailed list and amount of damages claimed as of date of presentation of claim, including prospective damages. If amount exceeds \$10,000.00, a specific amount need not be included.

Dated: 01-17-2012 Claimant: 
 (Signature)

Notice to Claimant:
 Where space is insufficient, please use additional paper and identify information by proper section number.

Return completed form to:
 Tony Russell, Director, Corporate Services/Authority Clerk
 Corporate Services Department
 P.O. Box 82776
 San Diego, CA 92138-2776

**Fikes Bobby
Airport 3307 Wain Right LN
Ssn Diego,CA 92123
(585)384-6736**

**San Diego county Regional
Authority**

12/23/2011

**Re. Mekeda fikes san diego Airport escalator incident
07/21/2011**

My name is Fikes bobby, I am the Father of Mekeda . On 07/21/2011 was traveling with my family ,and we were taking the escalator. I was holding My daughter hand then my daughter foot caught on the escalator, she starts scrambling , when her foot caught on the escalator steps. she fell downward she was not moving around at the time so I was yelling same one to stop the escalator. Mr. Banach ran down to the bottom hit the emergency stop button ,the escalator stopped. Than Ofcr Rodriguez and Ofcr Bailey who they were at the scene they initial attempted to free her foot from escalator, but it was negative results. The SDFD and SD RESCUE-4 arrived on the scene with heavy rescue equipment to pry the escalator by pulling the steps away from escalator wall and they removed a part of the metal panel to assist with the rescue. they trying to free mekeda,s foot . After they free her foot from escalator she was transported to Rady Children Hospital ER. We were at the ER over night she was released from the ER . The hospital recommended her to see her regular Dr. she is now under her Dr care.

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RESOLUTION NO. 2012-0026

A RESOLUTION OF THE BOARD OF THE
SAN DIEGO COUNTY REGIONAL AIRPORT
AUTHORITY AUTHORIZING THE REJECTION OF
THE CLAIM OF BOBBY FIKES

WHEREAS, on January 19, 2012, Bobby Fikes filed a claim with the San Diego County Regional Airport Authority for damages his daughter allegedly incurred as a result of using the escalator in Terminal One at San Diego International Airport; and

WHEREAS, at its regular meeting March 1, 2012, the Board considered the claim filed by Bobby Fikes, 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 Bobby Fikes.

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 1st day of March, 2012, by the following vote:

AYES: Board Members:

NOES: Board Members:

ABSENT: Board Members:

ATTEST:

TONY R. RUSSELL
DIRECTOR, CORPORATE SERVICES/
AUTHORITY CLERK

APPROVED AS TO FORM:

BRETON K. LOBNER
GENERAL COUNSEL

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