



SAN DIEGO COUNTY
REGIONAL AIRPORT AUTHORITY
STAFF REPORT

Item No.
6

Meeting Date: **APRIL 4, 2013**

Subject:

Authorize the Rejection of the Claim of Emily Pomeroy

Recommendation:

Adopt Resolution No. 2013-0035, authorizing the rejection of the claim of Emily Pomeroy.

Background/Justification:

On March 11, 2013, Emily Pomeroy ("Pomeroy") filed a claim (Attachment A) with the Authority alleging that on January 13, 2013, she sustained injury to her ankle when she fell while walking down the jetway to board her flight at Gate 39 in Terminal Two at San Diego International Airport. Pomeroy claims damages for medical treatment, medications and mental and physical distress in an amount exceeding \$35,000.00.

Pomeroy alleges in her claim that she was walking down the jetway to board her flight when she fell in an area where two sections of the jetway overlap and there exists a small step. She claims she heard and felt a loud crunch. She returned back into the terminal to receive first aid from paramedics and left on the next flight to her destination. She alleges the fall caused her to rupture some ligaments in her foot and ankle and bruise a cuboid bone in her foot.

Pomeroy's claim should be denied. An investigation into the incident revealed no notice of an unsafe condition to the Authority nor was an unsafe condition alleged in the claim. The jetway is well-lit and in good repair without trip hazards. The platform edges are well marked and easily seen.

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



**SAN DIEGO COUNTY
REGIONAL AIRPORT AUTHORITY**

Inter-Office Communication

Date: March 11, 2013

To: Breton K. Lobner, General Counsel

cc: Mark Burchyett, Chief Auditor
Cindy Steele, Risk Management Analyst
Vice Presidents

From: Sara Real, Assistant Authority Clerk I

Subject: Claim No. CL-196 – Pomeroy

Attached please find the above referenced claim, which was received by our office today, Monday, March 11, 2013. We are forwarding it to you for further action.

If you have any questions, please telephone me at ext. 2550.





SDCRAA
MAR 11 2013
 Corporate Services

Document No.: <u>CL-196</u>
Filed: <u>3-11-13</u>

**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>Emily Pomeroy</u>	
2) Address to which correspondence regarding this claim should be sent: <u>3330 Midland Drive</u> <u>Apt. - P-101</u> <u>West Haven, UT 84401</u>	
Telephone No.: <u>801-710-2249</u>	Date: <u>02/24/2013</u>
3) Date and time of incident: <u>January 13, 2013</u>	
4) Location of incident: <u>Jetway, Flight 2078 to Salt Lake City, UT</u>	
5) Description of incident resulting in claim: <u>I was walking down the jetway to get on the airplane. I</u> <u>fell in an area where two platforms come together, and</u> <u>there is a small stepdown. I fell and heard a loud crunch</u> <u>come from my ankle and felt significant pain (Photo of</u> <u>jetway area upon request)</u>	
6) Name(s) of the Authority employee(s) causing the injury, damage or loss, if known:	
7) Persons having firsthand knowledge of incident:	
Witness (es) <u>other airline passengers</u>	Physician(s):
Name: <u>on jetway for flight 2078</u>	Name:
Address:	Address:
Phone:	Phone:

8) Describe property damage or personal injury claimed.

Ankle and foot injuries:

- rupture of lateral collateral ligaments.
- severely bruised cuboid bone.
- severely injured right ankle.

9) Owner and location of damaged property or name/address of person injured:

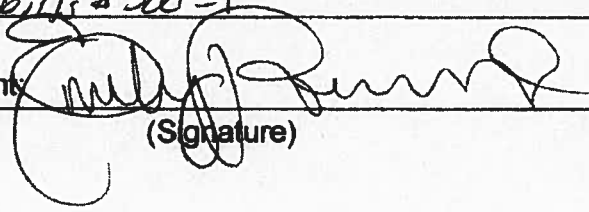
- ~~EMILY~~ Emily POMEROY
 3330 Midland Dr.
 Apt. P-101
 WEST HAVEN, UT 84401

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.

MRI - \$186.00	Surgery & further physical & mental distress, doctors, & misc. \$ 25,000.00 to \$ 35,000.00
Surgery - \$250.00 deposit	
Missed work - \$500.00	
ER \$354.75	
Various perscriptions & doctor bills \$ 300.00	

Dated: 8/11/2015

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



**Mountain View
Foot & Ankle Institute**
David R. Glover, DPM, FACFAS

2/6/12

Emily Pomroy
DOB: 2/6/1987

MRE (R) Miller 75718

Change @ Miller prior
Ankle Flexion inversion
injury.

6125 E. 1500 S. Suite 200 South Ogden, UT 84401
(801) 477-7535 Fax (801) 477-1855

Customer Copy

DAVIS HOSPITAL
1600 WEST ANTELOPE DRIVE
LAYTON, UT
84041 USA

Type: PURCHASE
Amount: \$354.75
Card Number: *****4957
Card Type: MasterCard
Date/Time: Mon, Jan 14, 2013 1:45:45 AM
Reference #: d1301300130
Approval Code: 01472F
Transaction ID: 15700077519369.601

Status: APPROVED

APPROVED - THANK YOU

Cardholder will pay total amount shown
to card issuer according to cardholder
agreement with card issuer.

Intermountain
Healthcare

Jay-Roe Hospital Center
11 Harrison Blvd
Salt Lake City, UT
801-387-7898

CLIP: 82301687
DATE: 05/13/2018
ID: 0450 xxxxxxxxxxxx7378

QUANTITY	AMOUNT
1	\$186.00
TOTAL	\$186.00
STOPER EQUIPMENT	\$186.00
PRICE	\$0.00

MRI

ITY: WEST HAVEN ST: CT ZIP: 06101

OO: 120 POS: SA TIER II

HRS/DAY 3.50

HRS/WEEK 17.50

REPORT TIME WORKED OR LEAVE TAKEN IN TERMS OF HOURS. INSERT ALL ROW AND COLUMN TOTALS.

DATE	DAY	TOTAL HOURS WORKED	COMP. HOURS EARNED	SUMMER HOURS	PAID LEAVE USED						HOURS TO BE PAID	COMPENSATORY WORK PERFORMED	TIME		
					VAC.	SICK (1)	PERS.	HOL.	SERV. (2)	COMP.			FROM	TO	
13	SUN														
17	THUR	3.5													
18	FRI	3.5													
19	SAT														
ALL COLUMNS		7.0													

DATE	DAY	TOTAL HOURS WORKED	COMP. HOURS EARNED	SUMMER HOURS	PAID LEAVE USED						HOURS TO BE PAID	COMPENSATORY WORK PERFORMED	TIME		
					VAC.	SICK (1)	PERS.	HOL.	SERV. (2)	COMP.			FROM	TO	
20	SUN														
21	MON														
22	TUES	3.5													
23	WED	3.5													
24	THUR	3.5													
26	SAT														
ALL COLUMNS		10.5													

MEMBERSHIP IN THE IOWA STATE HOUSEHOLD FAMILY MINOR RATE APPLICABLE TO THIS ADDRESS _____ DATE _____

MEMBERSHIP TO EMPLOYEE OR DEPENDENT FOR WHOM SEVERANCE LEAVE IS REQUESTED _____ DATE _____

EMPLOYEE SIGNATURE: *[Signature]* PRINCIPAL ADMINISTRATOR: *[Signature]*

FOR OFFICE USE ONLY

ID	REG. NO.	REG. RATE	REG. HOURS	O.T. RATE	O.I. HOURS	DISTRIBUTION COOP
31616	1					10120378011000161 1.00
31616						
31616						

VAC.	SICK	PERS.	HOL.	COMP.	SERV.	PLT.	LEAVE	TOTAL COMP. TIME (AMOUNT)

RESOLUTION NO. 2013-0035

A RESOLUTION OF THE BOARD OF THE
SAN DIEGO COUNTY REGIONAL AIRPORT
AUTHORITY AUTHORIZING THE REJECTION OF
THE CLAIM OF EMILY POMEROY

WHEREAS, on March 11, 2013, Emily Pomeroy filed a claim with the San Diego County Regional Airport Authority for damages she allegedly incurred as a result of falling in the jetway while waiting to board her flight at gate 39 in Terminal Two at San Diego International Airport; and

WHEREAS, at its regular meeting on April 4, 2013, the Board considered the claim filed by Emily Pomeroy, 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 Emily Pomeroy.

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 4TH day of April, 2013, 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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