



SAN DIEGO COUNTY
REGIONAL AIRPORT AUTHORITY
STAFF REPORT

Item No.
6

Meeting Date: **JULY 12, 2012**

Subject:

Authorize the Rejection of the Claim of Orville C. Anderson

Recommendation:

Adopt Resolution No. 2012-0072, authorizing the rejection of the claim of Orville C. Anderson.

Background/Justification:

On June 14, 2012, Orville C. Anderson ("Anderson") filed a claim (Attachment A) with the Authority alleging that on December 18, 2011, he sustained a head injury as the result of falling while ascending an escalator in Terminal Two at San Diego International Airport. Anderson claims damages of \$34,690.40, including medical treatment and pain and suffering.

Anderson alleges in his claim that on December 18, 2011, he stepped on an escalator in Terminal Two when it suddenly stopped, causing him to stumble over his suitcase and fall. As a result of his fall, he suffered a laceration to the right side of his head.

Anderson's claim should be denied. Statements taken from Anderson's wife at the time of the incident revealed he was holding a large 30" suitcase and an additional bag when he fell and did not mention a sudden stop. The Harbor Police report states that the escalator was stopped using the emergency stop button after Anderson fell. No unsafe condition nor any notice to the Authority of an unsafe condition was discovered in the course of the investigation.

Fiscal Impact:

Not applicable.

Authority Strategies:

This item supports Two 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



JUN 14 2012

Attachment A

FOR AUTHORITY CLERK USE ONLY

Document No.: CL-170

Filed: 6/14/12

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: Orville C. Anderson	
2) Address to which correspondence regarding this claim should be sent: Law Office of Andy Van Le, Esq. 401 West A Street, Suite 1615, San Diego, CA 92101	
Telephone No.: 619-525-0001	Date: 6-12-12
3) Date and time of incident: 12-18-11 1PM	
4) Location of incident: San Diego Airport, 3835 N Harbor Drive, SD CA	
5) Description of incident resulting in claim: Upon stepping on escalator of the San Diego airport, the escalator suddenly stopped causing Mr Anderson to stumble over suitcase. His legs went over the suitcase then his body turned upside down and fell onto his back. Mr Anderson sustained a laceration to the right side of his head.	
6) Name(s) of the Authority employee(s) causing the injury, damage or loss, if known: San Diego County Airport	
7) Persons having firsthand knowledge of incident:	
Witness (es)	Physician(s): UCSD Medical Center
Name: (1) Nancy Anderson (2) Lillian Mawser	Name: Viraj Shah, MD
Address: (1) PO Box 194, Lake Elmo MN	Address: 200 West Arbor Street
(2) 5018 Viewridge Way, Oceanside, CA	San Diego, CA 92103
Phone: (1) 651-426-3277	Phone: 619-543-6400
(2) 760-612-6444	

8) Describe property damage or personal injury claimed:

Mr. Anderson sustained a head injury.

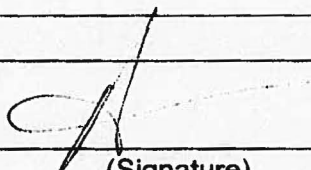
9) Owner and location of damaged property or name/address of person injured:

Orville Anderson, PO Box 194, Lake Elmo, MN 55042

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.

UCSD Emergency Physicians	\$ 608.00
UCSD Medical Group	\$ 219.00
UCSD Health System	\$ 3,863.40
Pain and Suffering	\$30,000.00 -

Dated: 4/12/12

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

CG0049

RESOLUTION NO. 2012-0072

A RESOLUTION OF THE BOARD OF THE
SAN DIEGO COUNTY REGIONAL AIRPORT
AUTHORITY AUTHORIZING THE REJECTION OF
THE CLAIM OF ORVILLE C. ANDERSON.

WHEREAS, on June 14, 2012, Orville C. Anderson filed a claim with the San Diego County Regional Airport Authority for damages he allegedly incurred as a result of falling on an escalator in Terminal Two at San Diego International Airport; and

WHEREAS, at its regular meeting on July 12, 2012, the Board considered the claim filed by Orville C. Anderson, 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 Orville C. Anderson.

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 special meeting this 12th day of July, 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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