



SAN DIEGO COUNTY
REGIONAL AIRPORT AUTHORITY
STAFF REPORT

Item No.
5

Meeting Date: **DECEMBER 13, 2012**

Subject:

Authorize the Rejection of the Claim of Barbara Graham

Recommendation:

Adopt Resolution No. 2012-0126, authorizing the rejection of the claim of Barbara Graham.

Background/Justification:

On November 2, 2012, Barbara Graham ("Graham") filed a claim (Attachment A) with the Authority alleging that on October 25, 2012, she sustained damage to her pantsuit and injury to her person when the tabletop in front of which she sat upended and spilled coffee down her right side. Graham claims damages in the amount of \$5,317.80 including the cost of unsuccessful dry-cleaning, pant-suit replacement, physical injury and emotional distress.

Graham alleges in her claim that she was seated at a table in the pre-security food court area of Terminal Two East having coffee with her husband. When her husband placed his hands on the table, the tabletop tilted towards the claimant and two hot coffees spilled on her. Graham had to open her suitcase and change clothes before continuing on her cruise.

Graham's claim should be denied. An investigation into the incident revealed no notice of an unsafe condition to the Authority. The food court area is under the control of Host International, Inc., the lessee, and the claim will be tendered to Host.

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



SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY

Inter-Office Communication

Date: November 2, 2012

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-180 – Graham

Attached please find the above referenced claim, which was received by our office today, Friday, November 02, 2012. We are forwarding it to you for further action.

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



SDCRAA
 NOV 02 2012
 Corporate Services

FOR AUTHORITY CLERK USE ONLY
Document No.: <u>CL-180</u>
Filed: <u>11-2-12</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>BARBARA GRAHAM (MRS)</u>	
2) Address to which correspondence regarding this claim should be sent: <u>13 TRAFALGAR GATE</u> <u>BRIGHTON MARINA VILLAGE</u> <u>BRIGHTON, UK</u> <u>BN2 5UY</u> <u>barbara@graham2.me.uk</u>	
Telephone No.: <u>+447765805052</u>	Date: <u>25/10/2012</u>
3) Date and time of incident: <u>5th OCTOBER 2012, 11.00AM</u>	
4) Location of incident: <u>STARBUCKS, UPPER FLOOR OF AIRPORT</u>	
5) Description of incident resulting in claim: <u>2 LARGE HOT COFFEES PLACED ON TABLE. MY HUSBAND</u> <u>LEANED ON TABLE AND THE WHOLE TOP TILTED TOWARDS</u> <u>ME, RESULTING IN ME BEING SATURATED WITH HOT</u> <u>COFFEE ON MY UPPER LEG, AND MY TWO-PIECE TROUSER</u> <u>SUIT BEING RUINED. ON EXAMINATION OF THE TABLE,</u> <u>IT WAS FOUND THAT THE SCREWS HOLDING ON THE</u> <u>TABLE TOP HAD BEEN REMOVED. THERE WAS NO SIGN</u> <u>ON THE TABLE TO INDICATE THAT IT WAS FAULTY.</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>(1)</u>	Physician(s): <u>I DID NOT SEEK MEDICAL</u>
Name: <u>AMIEL PORTA</u>	Name: <u>ATTENTION AS WE</u>
Address: <u>TERMINAL OPERATIONS</u>	Address: <u>WOULD HAVE MISSED</u>
<u>SAN DIEGO COUNTY</u>	<u>THE EMBARKATION</u>
Phone: <u>REGIONAL AIRPORT</u>	Phone: <u>FOR OUR CRUISE</u>
<u>619.400.</u>	<u>619.686.</u>
<u>2702</u>	<u>6501 x 3707</u>

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8) Describe property damage or personal injury claimed:


BURNS TO UPPER LEG, CAUSING DISTRESS
 - TWO PIECE KEOUSEK SUIT - STAINS CANNOT BE REMOVED
 (SEE PHOTOS)

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

BARBARA GRAHAWI (DETAILS OVERLEAF)

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.

LAUNDERING OF SUIT ON CRUISE SHIP (UNSUCCESSFUL) \$17.80
 ALSO CARDIGAN AND UNDERGARMENTS - RECEIPT ENCLOSED (COPY)
 REPLACEMENT OF SUIT (BEST \$199 - TRAVELERS IN \$300)
 CLAIM FOR PHYSICAL INJURY TO LEG AND EMOTIONAL
 DISTRESS \$5,000.00

Dated: 25/10/12 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

FURTHER INFORMATION:
 WE WERE ABOUT TO JOIN OUR CRUISE AND THIS INCIDENT SPOILED THE WHOLE EXPERIENCE FOR ME. AFTER THE INCIDENT I HAD TO PERSONALLY WASH MY CLOTHES IN THE SINK AT THE BACK OF THE STARBUCKS FACILITY. I HAD THE HUMILIATION OF HAVING TO OPEN MY SUITCASE IN THE MIDDLE OF STARBUCKS TO FIND FRESH CLOTHES. I SENT THE CLOTHES TO LAUNDRY ON THE SHIP THE NEXT DAY.
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Barbara Graham <barbara@graham2.me.uk> 

(No Subject)



Sent from my iPhone

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Barbara Graham <barbara@graham2.me.uk> 

(No Subject)



Sent from my iPhone

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Barbara Graham <barbara@graham2.me.uk> 

(No Subject)



Sent from my iPhone

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RESOLUTION NO. 2012-0126

A RESOLUTION OF THE BOARD OF THE
SAN DIEGO COUNTY REGIONAL AIRPORT
AUTHORITY AUTHORIZING THE REJECTION OF
THE CLAIM OF BARBARA GRAHAM

WHEREAS, on November 2, 2012, Barbara Graham filed a claim with the San Diego County Regional Airport Authority for damages she allegedly incurred as a result of using an unsecured tabletop in the food court of Terminal Two East at San Diego International Airport; and

WHEREAS, at its regular meeting on December 13, 2012, the Board considered the claim filed by Barbara Graham, 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 Barbara Graham.

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 13TH day of December, 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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