



SAN DIEGO COUNTY
REGIONAL AIRPORT AUTHORITY
STAFF REPORT

Item No.
8

Meeting Date: **MAY 5, 2011**

Subject:

Authorize the Rejection of the Claim of Joy Obidike

Recommendation:

Adopt Resolution No. 2011-0054, authorizing the rejection of the claim of Joy Obidike.

Background/Justification:

On April 8, 2011, Joy Obidike ("Obidike") filed a claim (Attachment A) with the Authority alleging that on March 25, 2011, she fell as she rode on an escalator in Terminal Two. Obidike claims unspecified damages in the amount of \$10,000.

Obidike alleges in her claim that on March 25, 2011, she fell as she rode an escalator in Terminal Two. She states the escalator "jerked or was characterized by some turbulence" which caused her to lose her balance and fall, resulting in a laceration to her shin, multiple bruises to her body and overall body aches. Once she regained her balance and transited the security checkpoint she states no airport representative offered assistance and a first aid kit could not be located.

Obidike's claim should be denied. An investigation into the incident revealed no unsafe condition of public property nor any notice of an unsafe or dangerous condition. Video of the escalator at the time of the incident shows no jerking movement or malfunction of any kind. The video clearly shows the claimant using the escalator with two pieces of rolling luggage in hand – one in front of her and one behind her. Because of the two pieces of luggage, the claimant was not fully situated or properly balanced on the escalator. Instead of holding the handrail the claimant relied on her luggage handle for support without making sure it was properly on the step behind her. As the escalator steps began to separate, the luggage behind her began to teeter, its handle dropped accordingly, and she lost her balance. Obidike further claims airport representatives did not offer first aid. When interviewed the claimant admitted she did not ask airport personnel for assistance.

Fiscal Impact:

Not applicable.

000048

Environmental Review:

- A. California Environmental Quality Act: The 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: The 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



SDCRAA
 APR 08 2011
 Corporate Services

ATTACHMENT A

FOI ONLY	JTHORITY CLERK USE
Document No.:	CL-143
Filed:	4/8/11

**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>Jay Obidike</u>	
2) Address to which correspondence regarding this claim should be sent:	
Telephone No.:	Date: <u>3/28/11</u>
3) Date and time of incident: <u>~ 2:00PM (Pacific) 3/25/11</u>	
4) Location of incident: <u>San Diego Airport escalator 2</u>	
5) Description of incident resulting in claim:	
<u>Escalator jolted or was characterized by some turbulence. I then fell on my back. The escalator was still moving resulting in multiple blows to my head, spine and entire body. I even took full tumbles and finally regained my balance. No airport official assisted me; when asked no help was found.</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>Danna Hall</u>	Physician(s):
Name: <u>Danna Hall</u>	Name: <u>Trueman Medical Center (Emergency Room)</u>
Address:	Address: <u>129 N. Washington St Sumter, SC 29150</u>
Phone:	Phone: <u>803-774-9000</u>

8) Describe property damage or personal injury claimed:

Multiple lacerations which should be sutured. Multiple contusion, muscle strain, ankle sprain requiring crutches; intense daily pain to date lacerations still bleed, headaches

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

Joy Obidike

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.

\$10,000

Dated: 3/28/11

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

This note is in reference to the incidence which occurred in the San Diego Airport on Friday March, 25 2011. I was scheduled to depart on American Airlines flight 414 at 2:30PM Pacific time, with a change Dallas, TX; continuing on with flight 1402 to Charlotte/Douglas Airport in Charlotte, NC. At the San Diego Airport, I took the escalator to the baggage check area. During my ride on the escalator, the escalator jolted or was characterized by some turbulence. My balance was lost and I fell on my back. With the escalator still in motion, I continued falling. The metal stairs hit me repeatedly. I even took a few tumbles, and then finally regained balance. The onlookers were quite startled. Several passengers noticed my pronounced bleeding and reached for tissues or anything that could potentially help.

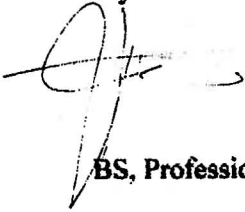
I managed to make it through the baggage check and security checkpoint while still bleeding. No airport representative offered assistance. A friend flying with me escorted me to the restroom where I sat bleeding on the sink counter top. She ran through the airport for help. Either no one knew where a first aid kit was, or they agreed that there was not one nearby. We had to wash the wound in the airport sink and purchase Neosporin and a Band Aid from a local airport store. I had to rinse my shoe and remove my socks altogether. While limping and bleeding through the bandage, I still made my flight.

These injuries resulted in two emergency room visits. The fall caused several contusions on my left and right extremities, full body muscular strains, a sprain to my left ankle and two lacerations located near my left shin. The pain required narcotics, muscular relaxants, crutches, and wound healing procedures. Doctors agreed that the lacerations should have been sutured. However, medical dogma is that a laceration cannot be stitched post 24 hours of exposure. Now I'm left to wash the deep wound, treat it with antibiotics and wrap it tightly each day. The cuts have even bled through bed sheets. I am in tremendous pain and suffer daily.

In an airport of this caliber, I would imagine that there would be monitors or agents who looked keenly for passenger safety. Ideally, a monitor should have caught the incident and the escalator should have been turned off. Furthermore, someone should have been available to assist with my bleeding, pain and lacerations. To date, the lacerations still bleed and the contusions have not improved. I am still on crutches and taking medications. I recognize that accidents happen. However, there are some accidents which should be met with prompt response. Negligence is not an option. It is only a miracle that my spinal column or any other bone was not fractured and that I did not suffer extensive head trauma, other than painful headaches. Attached are photos of my lacerations, contusions and other supporting documents.

It is my hope that your organization will favorably validate my claim in a very timely manner and with the most precise courtesy. I request that you confirm receipt of this claim. Thank you for your time. I look forward to hearing from you soon.

Joy Obidike



BS, Professional Biology

MS, Biomedical Sciences

000052

RESOLUTION NO. 2011-0054

A RESOLUTION OF THE BOARD OF THE
SAN DIEGO COUNTY REGIONAL AIRPORT
AUTHORITY AUTHORIZING THE REJECTION OF
THE CLAIM OF JOY OBIDIKE.

WHEREAS, on April 8, 2011, Joy Obidike filed a claim with the San Diego County Regional Airport Authority for injuries she allegedly sustained as the result of a fall on an escalator in Terminal Two at San Diego International Airport on March 25, 2011; and

WHEREAS, at its regular meeting on May 5, 2011, the Board considered the claim filed by Joy Obidike, 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 Joy Obidike; and

BE IT FURTHER RESOLVED THAT this Board 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 5th day of May, 2011, 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

000053

