



SAN DIEGO COUNTY
REGIONAL AIRPORT AUTHORITY
STAFF REPORT

Item No.
6

Meeting Date: **AUGUST 4, 2011**

Subject:

Authorize the Rejection of the Claim of V. Rose Shepard

Recommendation:

Adopt Resolution No. 2011-0086, authorizing the rejection of the claim of V. Rose Shepard.

Background/Justification:

On June 21, 2011, V. Rose Shepard ("Shepard") filed a claim (Attachment A) with the Authority alleging that on May 18, 2011, she fell as she rode on an escalator at San Diego International Airport. Shepard claims damages in the amount of \$882 to include medical treatment, as well as damages for pain and suffering for which the value has yet to be determined.

Shepard alleges in her claim that on May 18, 2011, she fell as she rode an escalator at San Diego International Airport. She states she was riding up the escalator when she tripped and fell as she turned to balance her suitcase, resulting in a laceration to her scalp and abrasions to her arm.

Shepard'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. Further, no claim of an unsafe condition was made.

Fiscal Impact:

Not applicable.

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.

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Equal Opportunity Program:

Not applicable.

Prepared by:

SUZIE JOHNSON
PARALEGAL

ATTACHMENT A



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.

FOR AUTHORITY CLERK USE ONLY
Document No.: <u>CL-150</u>
Filed: <u>6/21/11</u>

1) Claimant Name: V. Rose Shepard	
2) Address to which correspondence regarding this claim should be sent: 12417 W. 129 Street Overland Park, KS 66213	
Telephone No.: 913-681-0670	Date: 6/12/2011
3) Date and time of incident: May 18, 2011 @ around 2:30pm	
4) Location of incident: Escalator at San Diego Airport	
5) Description of incident resulting in claim: When I was going up the escalator about one fourth of the way up, when I turned to balance my suitcase; I tripped and lost my balance. I fell backwards on my right side and hit my head on the steel steps of the moving escalator. The results was a laceration on the upper right side of my skull. In addition I hit my right arm hard at a point right above my elbow on the moving steel steps of the escalator.	
I am still having pain in my right arm close to my elbow. Neck pain has decreased, but has not gone away.	
Thusfar, I have not had any medical treatment except for the removal of the 18 steel staples from the laceration on my head. (Refer to attached photos.) In addition, I'm having some intermittent headaches on the same side where I hit myself. My primary care doctor advised that I have a scan of my head if these intermittent headaches continue. The Police Report # is 112717	
6) Name(s) of the Authority employee(s) causing the injury, damage or loss, if known:	
<i>A copy of Police Report will be mailed upon receipt.</i>	
7) Persons having firsthand knowledge of incident:	
Witness (es) There were several witnesses,	Physician(s):
Name: Airport Security person took the name &	Name:
Address: phone # of a lady who witnessed the accident.	Address:
Phone:	Phone:

8) Describe property damage or personal injury claimed: My jacket was ruined by blood stain, my head was cut on the top (18 staples) and my arm was cut/bruised/damaged. See attached photos.
9) Owner and location of damaged property or name/address of person injured: Owner-San Diego County Regional Airport
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.
1) Emergency room bill-\$857.00
2) Doctor Office Visit to remove staples in my head (copay) \$25.00
3) Additional Arm Medical Treatment (unknown)
4) Additional Headache Head Injury Treatment (unknown)
5) Pain & Suffering-To Be Determined--These items/amounts are as of 6/12/2011.

Dated: 6-12-2011 Claimant: *Kae M. Shepard*
 (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

RESOLUTION NO. 2011-0086

A RESOLUTION OF THE BOARD OF THE
SAN DIEGO COUNTY REGIONAL AIRPORT
AUTHORITY AUTHORIZING THE REJECTION OF
THE CLAIM OF V. ROSE SHEPARD.

WHEREAS, on June 21, 2011, V. Rose Shepard 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 at San Diego International Airport on May 18, 2011; and

WHEREAS, at its regular meeting on August 4, 2011, the Board considered the claim filed by V. Rose Shepard, 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 V. Rose Shepard; 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 4th day of August, 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

000050