



SAN DIEGO COUNTY
REGIONAL AIRPORT AUTHORITY
STAFF REPORT

Item No.
7

Meeting Date: **APRIL 7, 2011**

Subject:

Authorize the Rejection of the Claim of Nancy Pulk

Recommendation:

Adopt Resolution No. 2011-0041, authorizing the rejection of the claim of Nancy Pulk.

Background/Justification:

On March 14, 2011, Nancy Pulk ("Pulk") filed a claim with the Authority alleging that on December 24, 2010, she injured her left arm and wrist when she fell from a courtesy cart operated by a Traveler's Aid Society volunteer in Terminal Two at San Diego International Airport. Pulk claims damages in the amount of \$2,489.65, which includes healthcare system, emergency and medical expenses.

Pulk, age 46, alleges that on December 24, 2010, she and her family (her son, grandson and Kathleen Carnelon) were passengers aboard a courtesy cart in Terminal Two after having just arrived at the Airport. She states her one-year old grandson was seated on the lap of her own adult son in the middle row of the courtesy cart. She was seated in the third row of the cart in a seat which faces to the rear. The police report, driver's statement and evidence reflect that that just as the driver of the courtesy cart slowly accelerated and turned the cart, Pulk's son (sitting in the middle seat) handed the one-year-old child over to his mother (sitting in the rear seat). Pulk and the child were thrown from the cart on to the terminal's tile floor. Pulk's claim alleges she fell to the ground injuring her left wrist.

Pulk's claim should be denied. The claim should be tendered, under the indemnity clause of the Authority's contract with Travelers Aid Society, to the insurance carrier insuring Travelers Aid. An investigation of the incident revealed statements by the claimant in the Harbor Police Report taken at the time of the incident that the cart was "moving really slow" when Pulk's son handed his one-year-old child to her. The courtesy cart driver had no notice or knowledge that the child was being transferred from the middle seat to the rear. At the time, the driver of the courtesy cart indicated she was negotiating a slow turn in order to return to the elevator so Ms. Pulk and her family could reach the terminal baggage claim area. It appears that the main cause of Pulk falling from her seat was as a result of her turning around to grab her grandchild from the middle seat and her attempting to gain control of him, both causing her to not have the capacity to grasp the cart's passenger handle while the cart was turning. The

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evidence reflects that the accident was not the result of any negligence of the driver of the courtesy cart or of the Authority. At the time of the incident there was no unsafe condition of public property found nor was there any notice to the Authority of any unsafe or dangerous condition.

Fiscal Impact:

Not applicable.

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. This 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



MAR 14 2011
COMM. 3

FOR AUTHORITY CLERK USE ONLY

Document No.: CL-142

Filed: 3/14/2011

**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: Nancy M. Pulk

2) Address to which correspondence regarding this claim should be sent:

Date: 3/6/11

3) Date and time of incident: 12/24/10 ≈ 23:40

4) Location of incident: San Diego Airport

5) Description of incident resulting in claim:

Having just landed in airport got on courtesy car for a ride to baggage claim. Grandson, Ethan Pulk and son Bryan Pulk were sitting in second row, Nancy Pulk and Kathleen Cameron were riding in last row. Ethan was afraid of being on cart. Cart was idling while driver was getting everyone settled. Bryan passed Ethan to Nancy just as driver revved up cart. ~~But~~ Nancy became unbalanced as cart sped up. Nancy and Ethan were thrown from cart. Ethan fell on face on tile floor. Nancy's arm became entangled in armrest and then

6) Name(s) of the Authority employee(s) causing the injury, damage or loss, if known:

unknown, older woman wearing reindeer antlers

7) Persons having firsthand knowledge of incident:

Witness (es)	Physician(s):
Name: <u>Kathleen Cameron</u>	Name: <u>William Coltrin</u>
Address:	Address: <u>SW HCS Rancho Springs Medical Center</u>
Phone:	Phone: <u>25500 Medical Center Drive</u>
	<u>Murrieta, CA 92562</u>
	Phone: <u>951-696-6000</u>

he fell on tile floor. Injured left arm. Later Nancy was seen at ER in a great deal of pain. Merry Christmas



SAN DIEGO HARBOR POLICE INJURY REPORT

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Page 1 of 2 CFS # 109 DR # 10 -8194

LOCATION OF INCIDENT 3835 North Harbor Drive, San Diego, CA. 92101			DAY FRI	DATE 122410	TIME 2330
NAME (LAST, FIRST, MIDDLE) Pulk, Nancy M.			SEX F	DOB	AGE 46
ADDRESS			CITY	STATE	ZIP
FIRST AID Yes		ILLNESS OR INJURIES APPARENT YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> NOT OBSERVED <input type="checkbox"/>			

NATURE OF ILLNESS OR INJURY
Complaint of pain to left arm

CAUSE OF ILLNESS OR INJURY IF KNOWN
Fell off courtesy cart

WAS PERSON SOBER HBD INTOXICATED PREVIOUS HISTORY OF SAME ILLNESS OR INJURY
YES NO

INSURANCE CARRIER
OTHER THAN UPD

POLICY NUMBER	ADDRESS	PHONE
NEXT OF KIN	ADDRESS	PHONE
EMPLOYER	ADDRESS	PHONE
WITNESS NAME (LAST, FIRST, MI.) Pulk, Bryan D.	ADDRESS	PHONE
PARAMEDICS CALLED YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> UNIT #63	OTHER RESPONDING UNITS	
TRANSPORTED TO Refused transport	ADDRESS	PHONE
WAS ILLNESS OR INJURY WORK RELATED YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	OSHA CASE YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	OSHA NOTIFIED YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
EVIDENCE YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	TYPE	TAG #
REPORTING OFFICER R. Ames	ID # 5245	APPROVED BY S. COLIN 2726

Narrative:

SEE ATTACHED CERTIFIED TRUE COPY

I hereby certify the information requested will be used only for the stated purpose and not to be used for any other purpose. The requesting agency or person hereby agrees to indemnify and hold harmless the San Diego Harbor Police from and against all claims, damages, costs and expenses, including reasonable attorney's fees, that may be incurred by the San Diego Harbor Police as a result of the improper use of information furnished hereunder.

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**SAN DIEGO REGIONAL
OFFICER'S REPORT
NARRATIVE**

CONT.: OFFICER'S REPORT ONLY
 FROM: ARR/JUV. CON.
 CRIME
 OTHER Sick and Injury

CFS#109

PAGE 2 OF 2 DR NUMBER:10-8194

CODE SECTION AND DESCRIPTION (ONE INCIDENT ONLY)		MONTH	DAY	YEAR	DAY OF WK.	TIME	
Injury Report		12	24	10	FRI	2330	
LOCATION OF INCIDENT (OR ADDRESS)		CITY			BEAT		
3835 North Harbor Drive		San Diego			720		
PERSON(S) INVOLVED: VICTIM			SUSPECT (IF NAMED)			PROPERTY TAG	
Pulk, Nancy M.							
REPORTING OFFICER	I.D.#	DIVISION	APPROVED BY:	MONTH	DAY	YEAR	TIME
R. Ames	5245	Patrol	S. COLIN 2726	12	25	10	0010

OFFICER'S STATEMENT:

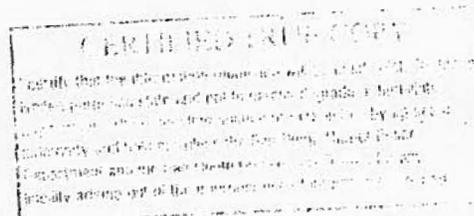
On 12-24-2010, at approximately 2330 hours, I responded to a medical call regarding a one-year old male infant that fell down and hit his head within Terminal 2 of the San Diego International Airport, Lindbergh Field. I arrived on scene and met with a WFA, later identified as Nancy M. Pulk, standing next to her husband, who was holding the one-year old infant, Ethan Lee Pulk. Pulk informed me that she was the grandmother and a legal guardian of the one-year old infant. Upon arrival, I saw that the infant was crying and appeared to have a bump on his forehead. Pulk also had a complaint of pain to her left arm. While there, Pulk gave me the following information:

STATEMENTS:

Statement of Nancy M. Pulk:

Pulk stated that she was aboard the airport courtesy vehicle with her husband, grandson Ethan, and Ethan's father, Bryan D. Pulk. Pulk stated that while aboard the courtesy vehicle, Bryan Pulk handed her grandson to her. Upon getting control of her grandson, Pulk lost her balance, and fell off the courtesy vehicle with Ethan. Pulk stated that Ethan hit his face on the tile and that she hurt her left forearm as a result of the fall. Pulk stated that the courtesy vehicle was "moving really slow" when Bryan handed Ethan off to her.

I concluded my interview with Pulk and spoke to her son and Ethan's father, Bryan D. Pulk. Bryan Pulk informed me that whatever his mother had told me was correct. Paramedic Unit #63 arrived on scene to treat both Pulk and her grandson, Ethan, for their injuries. Pulk refused transport to the hospital as well as refused transport for Ethan. Harbor Police did not provide any medical aide.



RESOLUTION NO. 2011-0041

A RESOLUTION OF THE BOARD OF THE
SAN DIEGO COUNTY REGIONAL AIRPORT
AUTHORITY AUTHORIZING THE REJECTION OF
THE CLAIM OF NANCY PULK

WHEREAS, on March 14, 2011, Nancy Pulk filed a claim with the San Diego County Regional Airport Authority for injuries she allegedly sustained as the result of falling from a courtesy cart operated by a volunteer with the Traveler's Aid Society in Terminal Two at San Diego International Airport on December 24, 2010; and

WHEREAS, at its regular meeting on April 7, 2011, the Board considered the claim filed by Nancy Pulk, 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 Nancy Pulk.

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 7th day of April, 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

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