



SAN DIEGO COUNTY
REGIONAL AIRPORT AUTHORITY
STAFF REPORT

Item No.
11

Meeting Date: **JULY 7, 2011**

Subject:

Authorize the Rejection of the Claim of Kathy Russell

Recommendation:

Adopt Resolution No. 2011-0076, authorizing the rejection of the claim of Kathy Russell.

Background/Justification:

On May 26, 2011, Kathy Russell ("Russell") filed a claim with the Authority (Attachment A) alleging that on February 24, 2011, she fell as she collected her luggage from the Southwest Airlines baggage claim office in Terminal One. Russell claims unspecified damages, including future possible medical treatment, in the amount of \$17,500.

Russell alleges in her claim that on February 24, 2011, she fell as she collected her bags from the Southwest Airlines baggage handlers in the baggage claim area of Terminal One. The area is full of luggage of all sizes awaiting collection by passengers to whom they belong. She states she grabbed her bag from the handler and turned to leave, striking a low, unseen object which caused her to fall on the ground. She further claims the hard fall caused a laceration to her leg and disabling pain to her right shoulder which she speculates may need surgery.

Russell'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. In a discussion with the claimant, she revealed she tripped over another passenger's golf bag, allegedly placed there by Southwest personnel. The claimant currently has an open claim with Southwest Airlines for this same incident.

Fiscal Impact:

Not applicable.

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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
 MAY 26 2011
 Corporate Services

FOP AUTHORITY CLERK USE
 ONL

Document No.: CL-147

Filed: 5/26/11

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: Kathy A. Russell

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

Telephone No.: _____ Date: 05/24/11

3) Date and time of incident: Feb. 24th, 2011 @ approx 8:00 p.m.

4) Location of incident: San Diego Airport, Southwest Baggage

5) Description of incident resulting in claim:
I went to baggage claim to retrieve my larger ^{red} suitcase on wheels and a gray garment bag with no wheels. There were no other passengers in the area of the Southwest baggage claim area and my red suitcase was by the podium where a woman was working. She told me to look over at the ~~baggage~~ luggage area across the room where a baggage handler was. There were a dozen or so suitcases and I pointed to my garment bag. The other suitcases were not on the deck but laying around him. He handed me the garment ^{bag} and I turned to leave and struck an unseen, very low to the ground, object causing me to go down very hard. I immediately ^{felt} something "pop" in my right shoulder and my right leg was bleeding-shoulder hurt.

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

7) Persons having firsthand knowledge of incident:

Witness (es) <u>Baggage Supervisor</u>	Physician(s):
Name: <u>S.D. Airport</u>	Name:
Address:	Address:
Phone:	Phone:

Section (5) cont.

At the time, I pulled down the leather boot on right leg and showed the woman - who said she was the Supervisor for the Baggage Claim - the nasty, bleeding scrape. I was upset and in pain but did have her call a Southwest Rep. He took a report and said Southwest would contact me but they never have. And, I have tried many times to get a response.

I did write out a report on what happened and left it with the woman Supervisor - but, there again, no one has followed up. My leg was injured, scraped and bruised and the biggest problem is my shoulder, I cannot raise my arm, and, as a teacher it ^{has} handicapped my ability to perform as I can't even write on the blackboard.

I have no insurance, work 3 part-time jobs, and have been in constant pain from this disabling injury.

I desperately need Physical Therapy ^{medical care} because I have had severe limitations on what I can do due to the injured shoulder. I have lost wages and jobs (as an Instructor) ^{maybe surgery}

I need a good medical examination and I just can't believe how long it has been with no one following up with me.

Recently, I discovered that I had unknowingly recorded the Southwest Rep's interaction with me and a "real time" record of what happened. He refused to give me a copy of his very flawed report - put things in I never said, was argumentative and rude saying "what, are you looking to sue the Airport and us?" How inappropriate!

8) Describe property damage or personal injury claimed:

Severe injury to right shoulder causing pain and extended period of limited movement + laceration to right leg.

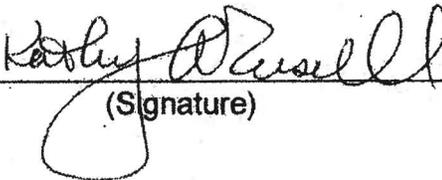
9) Owner and location of damaged property or name/address of person injured:

Kathy A. Russell

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.

At this point in time, I don't know how much it will cost for Doctors, Physical Therapy, and possibly surgery. Shoulder surgery starts at \$17,500. I have been more than patient and suffered greatly since the incident and would appreciate your prompt response

Dated: 05/24/11

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

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RESOLUTION NO. 2011-0076

A RESOLUTION OF THE BOARD OF THE
SAN DIEGO COUNTY REGIONAL AIRPORT
AUTHORITY AUTHORIZING THE REJECTION OF
THE CLAIM OF KATHY RUSSELL.

WHEREAS, on May 26, 2011, Kathy Russell filed a claim with the San Diego County Regional Airport Authority for injuries she allegedly sustained as the result of a fall near the baggage claim office of Southwest Airlines in Terminal One at San Diego International Airport on February 24, 2011; and

WHEREAS, at its regular meeting on July 7, 2011, the Board considered the claim filed by Kathy Russell, 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 Kathy Russell; and

BE IT FURTHER RESOLVED THAT this Board FINDS 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 regular meeting this 7th day of July, 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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