



SAN DIEGO COUNTY  
REGIONAL AIRPORT AUTHORITY  
**STAFF REPORT**

Item No.

**7**

Meeting Date: **DECEMBER 1, 2011**

**Subject:**

**Authorize the Rejection of the Claim of Paula Tate**

**Recommendation:**

Adopt Resolution No. 2011-0144, authorizing the Rejection of the Claim of Paula Tate.

**Background/Justification:**

On October 4, 2011, Paula Tate ("Tate") filed a claim with the Authority alleging that on October 7, 2011, she fell as she rode an escalator at San Diego International Airport. Tate claims cruise fare and loss of wages as damages in the amount of five thousand (\$5000) dollars.

Tate alleges in her claim that on October 7, 2011, she fell as she rode an escalator after arriving by air from Sacramento. She states she placed her carry-on bag on the escalator step and it knocked her carry-on towards her, causing her to fall. She alleges the fall resulted in a broken foot and two bruised fingers.

Tate'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, nor is a dangerous condition alleged. The claimant clearly indicates her own carry-on, which she placed on the escalator herself, caused her to fall.

**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: 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

November 3<sup>rd</sup>, 2011

Document No. 02-155  
Filed 11/8/11

Paula Tate  
1970 Jeffrey Drive  
Yuba City, Ca. 95991  
530 755 4199

NOV 08 2011

I am writing this letter to your company for San Diego airport. I came in October 7, 2011 on Southwest airlines. 1254 flight from Sacramento. My husband and I were headed to a cruise on Saturday, but did not make it because of a injury I received at your airport, I spend from 4PM to 10:30PM Scripps Mercy Hospital in San Diego. Had to turn around on Saturday and go home to Sacramento airport with Southwest. I contacted Southwest with this situation, they said they lease a place at your airport. We picked up our luggage, headed to your escalator where I was injured and broke my left foot in two places. Bruises two fingers on my right hand.

I have had the expenses of:  
\$3,000.00 for cruise package  
\$2,000.00 lost of wages  
Total for loss is \$5,000.00

I have been using my private medical insurance for my health bills. We do have co pays, I am alright with using out medical insurance. At this time. But we are devastated to have missed our trip because of your escalator.

I was on escalator with my small carry on when something happened with carryon and your escalator which stuck and knocked me down. It happened so fast I wasn't sure where I was hurt until later knew foot hurt but was praying it was not serious. This was a brand new carry on, I had to start yelling help before someone came and turned escalator off. He did not ask if I was okay only scolded me for not taking elevator with my small carry on.

I do not want to drag an attorney on this, but would like a response if you need receipts of our loss would be happy to send to you. I am planning to go back to work December 1<sup>st</sup>, 2011. but have had no income since this accident. I would like a response to this letter and if this is not where it is to be, please forward to correct office.

Paula Tate



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## Johnson Suzie

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**From:** Marmion Colm  
**Sent:** Thursday, October 13, 2011 12:18 PM  
**To:** Johnson Suzie  
**Subject:** Contact Us Inquiry

----- Original Message -----

**From:** Paula Tate <[PaulasTate@Comcast.net](mailto:PaulasTate@Comcast.net)>  
**To:** Customer Service Department <[customerservice@san.org](mailto:customerservice@san.org)>  
**Sent:** Wednesday, October 12, 2011 06:33:00 PM  
**Subject:** Tracking #45959 - Other (Paula Tate)

I came into your San Diego Airport Friday, October 7th, 2011. Where we gathered our luggage and headed up the escalators. While on escalator I sat my carryon on the step and it knocked my carryon towards me and knocked me down. I have a broken foot 2 bones broken, I missed my cruise and am missing work. It took an oriental man awhile to get to us to turn it off I was yelling help. I want to know what you would like to do to compensate me for my pain and suffering. I went to Scripps Mercy hospital in San Diego to be treated, Paula Tate

RESOLUTION NO. 2011-0144

A RESOLUTION OF THE BOARD OF THE  
SAN DIEGO COUNTY REGIONAL AIRPORT  
AUTHORITY AUTHORIZING THE REJECTION OF  
THE CLAIM OF PAULA TATE.

WHEREAS, on November 8, 2011, Paula Tate filed a claim with the San Diego County Regional Airport Authority for damages she allegedly incurred as a result of riding an escalator in Terminal Two at San Diego International Airport ; and

WHEREAS, at its regular meeting on December 1, 2011, the Board considered the claim filed by Paula Tate, 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 Paula Tate.

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 special meeting this 1st day of December, 2011, by the following vote:

AYES: Board Members:

NOES: Board Members:

ABSENT: Board Members:

ATTEST:

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TONY R. RUSSELL  
DIRECTOR, CORPORATE SERVICES/  
AUTHORITY CLERK

APPROVED AS TO FORM:

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BRETON K. LOBNER  
GENERAL COUNSEL

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