



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

Item No.

6

Meeting Date: **JANUARY 5, 2012**

Subject:

Authorize the Rejection of the Claim of John Zabalza

Recommendation:

Adopt Resolution No. 2012-0003, authorizing the Rejection of the Claim of John Zabalza.

Background/Justification:

On December 9, 2011, John Zabalza ("Zabalza") filed a claim (Attachment A) with the Authority alleging that on July 16, 2011, he fell as he rode an escalator in Terminal One at San Diego International Airport. Zabalza claims medical costs in the amount of two hundred thirteen dollars and ninety-five cents (\$213.95) as damages.

Zabalza alleges in his claim that on July 16, 2011, he fell as he rode an escalator near Southwest Airlines in Terminal One. The claimant states he fell backwards and rolled down the escalator, injuring his head and parts of his body. Claimant states he continues to suffer from pain to his head, neck, left arm and upper back with dizziness.

Zabalza'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.

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: 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. The 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

ATTACHMENT A

DEC 09 2011

FOR AUTHORITY CLERK USE ONLY

Document No.: CL-157Filed: 12/9/11
**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>John F. Zabala</u>	
2) Address to which correspondence regarding this claim should be sent: <u>6209 Woodhollow PL N.W.</u> <u>ALB. NEW MEXICO 87120</u>	
Telephone No.: <u>(505) 899-1644</u>	Date: <u>12/6/2011</u>
3) Date and time of incident: <u>7-16-11</u> approximately <u>11:30 AM</u>	
4) Location of incident: <u>Southwest Airline Escalator Going up.</u>	
5) Description of incident resulting in claim: <u>AS I STARTED going up the ESCALATOR, I FELL backwards and tried to get up but I started to roll down, injuring DIFFERENT PARTS OF my body. The security guard stopped the ESCALATOR A SHORT TIME AFTER, and helped me get up. I hit my HEAD AND BACK, AND BECAUSE OF THE WAY I FELL, my LEFT KNEE WAS badly cut. AFTER getting up, I FOUND that I WAS bleeding ON my hands, wrists, ARMS, AND my LEFT KNEE.</u>	
6) Name(s) of the Authority employee(s) causing the injury, damage or loss, if known: <u>DOES NOT APPLY.</u>	
7) Persons having firsthand knowledge of incident:	
Witness (es)	Physician(s):
Name: <u>LORRAINE GARCIA</u>	Name: <u>DR. DIANA ROWELL</u>
Address: <u>1098 WOODLAWN AVENUE</u> <u>CHULA VISTA, CA 91911</u>	Address: <u>705 PALM AVENUE</u> <u>IMPERIAL BEACH, CA 91932</u>
Phone: <u>(619) 420-6568</u>	Phone: <u>(619) 424-5106</u>

8) Describe property damage or personal injury claimed: When I got home, it was then that I found cuts on my back and on the side of my back, I hurt my head, neck, back, sides of my back, hands, wrists, arms, & left knee. I had cuts throughout my body due to the escalator edges between the steps. My back is still in a lot of pain & so is my neck. My left knee had gotten infected & being a diabetic, that's very dangerous. I still have headaches non-stop, dizziness, & neck, left arm, & upper back are still in so much pain.

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

John F. Zabalza
6209 Woodhollow Pl. N.W.
ALB. NEW MEXICO 87120

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.

Enclosed are copies of hospital visit, doctor visits, and CT scan ordered by Dr. Rowell, while I was visiting San Diego, CA.

Dated: 12/6/2011

Claimant:

John F Zabalza
(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. 2012-0003

A RESOLUTION OF THE BOARD OF THE
SAN DIEGO COUNTY REGIONAL AIRPORT
AUTHORITY AUTHORIZING THE REJECTION OF
THE CLAIM OF JOHN ZABALZA.

WHEREAS, on December 9, 2011, John Zabalza filed a claim with the San Diego County Regional Airport Authority for damages he allegedly incurred as a result of riding an escalator in Terminal One at San Diego International Airport; and

WHEREAS, at its regular meeting on January 5, 2012, the Board considered the claim filed by John Zabalza, 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 John Zabalza.

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 January, 2012, 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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