



SAN DIEGO COUNTY
REGIONAL AIRPORT AUTHORITY
STAFF REPORT

Item No.

7

Meeting Date: **JANUARY 5, 2012**

Subject:

Authorize the Rejection of the Claim of Anastasia Topping

Recommendation:

Adopt Resolution No. 2012-0004, authorizing the Rejection of the Claim of Anastasia Topping.

Background/Justification:

On December 9, 2011, Anastasia Topping ("Topping") filed a claim (Attachment A) with the Authority alleging that on October 29, 2011, she injured her hand while using the ladies' restroom in Terminal One at San Diego International Airport. Topping claims compensatory and special damages in an unknown amount that exceeds ten thousand (\$10,000) dollars.

Topping alleges in her claim that on October 29, 2011, while pulling her jeans up in the toilet stall, she brushed or hit the top part of her right hand against the bottom part of the stall's steel trash receptacle. Topping claims an abnormal, sharp protrusion caused an injury to her hand for which she sought assistance from TSA personnel. Topping further alleges negligence on the part of emergency medical personnel who responded to evaluate her injury.

Topping's claim should be denied. An investigation into the incident revealed no notice of an unsafe condition in the ladies' restroom where claimant contends the injury took place. The investigation further revealed, contrary to claimant's allegations, a three minute response time by on-call medics. The Harbor Police report indicated the claimant refused to be transported for treatment of her injury.

Fiscal Impact:

Not applicable.

000045

Authority Strategies:

This item supports one or more of the Authority Strategies, as follows:

- Community Strategy Customer Strategy Employee Strategy Financial Strategy Operations Strategy

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



ORIGINAL

ATTACHMENT A

FOR AUTHORITY CLERK USE ONLY

Document No.: CL-158

Filed: 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. DEC 09 2011

1) Claimant Name: ANASTASIA (STACY) TOPPING

2) Address to which correspondence regarding this claim should be sent:
LAW OFFICE OF WILLIAM A. HANNOSH
343 EAST MAIN ST., STE. 202
EL CAJON, CA 92020

Telephone No.: (619) 244-9835 Date: 12/06/11

3) Date and time of incident: 10/29/11 AT/AROUND 10:30 P.M.

4) Location of incident: LINDBERGH FIELD

5) Description of incident resulting in claim:
SEE ATTACHMENT - ITEM 5

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

7) Persons having firsthand knowledge of incident:

Witness (es) OFFICER PADILLA	Physician(s): DOUGLAS DAUB, M.D.
Name: (ON-DUTY POLICE OFFICER)	Name: ROY SPRINGER, M.D.
Address: UNKNOWN - HARBOR POLICE	Address: CENTER FOR FAMILY HEALTH 6280 JACKSON DRIVE, STE. 8
Phone: UNKNOWN	Phone: SAN DIEGO, CA 92119
2) TSA REPRESENTATIVE (NAME UNKNOWN)	(619) 464-1607
	(619) 464-1608

1 ITEM 5 – ATTACHMENT TO ACCIDENT OR DAMAGE CLAIM FORM

2 The claimant, Anastasia (Stacy) Topping, went to use a women’s restroom at the San Diego
3 Airport-Lindberg Field, after she de-boarded her plane and exited the flight gate. While
4 pulling her jeans up in the toilet stall, Ms. Topping brushed or hit the top part of her right
5 hand against the bottom part of the stall’s steel trash receptacle. The trash receptacle sits
6 mid-way atop the stall’s divider, next to the toilet. The trash receptacle’s bottom edge had an
7 abnormal, sharp protrusion, which caused the claimant’s hand injury. Ms. Topping
8 immediately sought assistance from a TSA representative for her physical injury. Along
9 with Officer Padilla, of the Harbor Police, she waited for about fifteen minutes before the
10 paramedics or EMTs arrived at the scene to provide medical care. This incident occurred on
11 10/29/11, at or around 10:30 p.m., and an incident report may have been taken by Padilla.

12
13 ITEM 8 – ATTACHMENT TO ACCIDENT OR DAMAGE CLAIM FORM

14 The claimant seeks compensatory and special damages from the San Diego County
15 Regional Airport Authority, based on negligence. As shown in the attached photographs,
16 Ms. Topping received a serious skin laceration on her right hand, which should have been
17 treated with stitches. Although the responding paramedics or EMTs did clean out the injured
18 hand and applied alcohol, this injury actually required stitches. Not even a butterfly band-aid
19 was applied. An associate doctor of the claimant’s primary care provider, Dr. Roy Springer,
20 opined that the ambulance personnel should have used stitches, given the seriousness of the
21 tear. Dr. Springer gave the claimant a tetanus shot, and referred her immediately to a plastic
22 surgeon, due to the possibility that the wound would require a skin graft to heal properly,
23 which will naturally necessitate plastic surgery. According to Dr. Douglas Daub, the hand
24 injury was just “not handled right”. So far, the claimant has conferred with at least one
25 plastic surgeon to discuss all options, up to and including plastic surgery.

26
27
28

ORIGINAL
PROOF OF SERVICE BY MAIL
C.C.P. 1013a

I declare that I am a resident of or employed in the County of San Diego, California. I am over the age of 18 years and not a party to the within entitled cause. The name and address of my residence or business is Law Office of William A. Hannosh
343 East Main St., Suite 202 El Cajon, CA 92020.

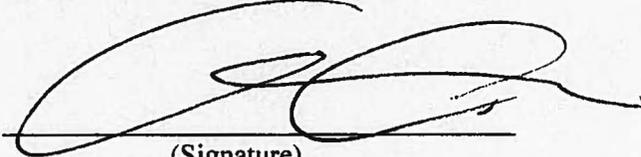
I am readily familiar with the ordinary practice of the business of collecting, processing and depositing correspondence in the United States Postal Service and that the correspondence will be deposited the same day with postage thereon fully prepaid.

On December 6, 2011, I served the Claim Form of Claimant
Anastasia (Stacy) Topping; Attachment Items 5, 8; and Photographic Evidence
on the parties listed below by placing a true copy thereof enclosed in a sealed envelope for collection and mailing in the United States Postal Service following ordinary business practices at El Cajon, California addressed as follows:

MR. TONY RUSSELL
Director, Corporate Services/Authority Clerk
Corporate Services Department
P.O. Box 82776
San Diego, CA 92138-2276

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on December 6, 2011, at El Cajon, California.

WILLIAM A. HANNOSH, Attorney
(Type or print name)


(Signature)

000050

RESOLUTION NO. 2012-0004

A RESOLUTION OF THE BOARD OF THE
SAN DIEGO COUNTY REGIONAL AIRPORT
AUTHORITY AUTHORIZING THE REJECTION OF
THE CLAIM OF ANASTASIA TOPPING.

WHEREAS, on December 9, 2011, Anastasia Topping filed a claim with the San Diego County Regional Airport Authority for damages she allegedly incurred as a result of using a restroom 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 Anastasia Topping, 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 Anastasia Topping.

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

000051