



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

Item No.
13

Meeting Date: **SEPTEMBER 6, 2012**

Subject:

Consideration of a Request to Grant Leave to Present the Late Claim of Anne Montgomery

Recommendation:

Adopt Resolution No. 2012-0094, Authorizing the Denial of the Request of Anne Montgomery to file a Late Claim.

Background/Justification:

On June 5, 2012, Anne Montgomery ("Montgomery") filed a Claim with the Authority alleging that on October 27, 2011, she sustained injuries as a result of falling on an escalator in Terminal One at San Diego International Airport. Montgomery's claim was returned as untimely as it was filed more than 6 months after the date of occurrence. On July 31, 2012, the Authority received her Request to Grant Leave to File a Late Claim for the same incident.

Montgomery alleges in her Request to Grant Leave to Present a Late Claim (Attachment A) that her delay in filing a claim was due to performing due diligence with regard to treating injuries and determining impact of those injuries on daily living and working activities. The request includes no other explanations or attachments to support it.

Montgomery's Request to Grant Leave to Present a Late Claim should be denied. The request does not meet the burden for relief under Cal. Gov. Code §§ 945.4 and 946.6(c)(1).

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

**Ann J. Montgomery
2500 Mill Point Lane
Boise, Idaho 83712**

REQUEST TO GRANT LEAVE TO PRESENT A LATE CLAIM

TO: Amy Gonzalez, Esq.
Senior Assistant General Counsel
San Diego County Regional Airport Authority
P.O. Box 82776
San Diego, CA 92138-2776

DATE: July 27, 2012

FROM: Ann J. Montgomery
2500 Mill Point Lane
Boise, ID 83712

cc: Attorney at Law
Not at present time

SUBJECT: Claim Presented by Ann Montgomery
Authority Claim No.: CL-168

Per "notice of late claim" received via US Postal Service on Tuesday, July 24, 2012, I am applying to the San Diego County Regional Airport Authority for leave to present a late claim of a "San Diego County Regional Airport Authority Accident or Damage Claim Form" I completed and sent on May 23, 2012. See Sections 911.4 to 912.2, inclusive, and Section 946.6 of the Government Code as well as Section 911.6 of the Government Code.

This request is being submitted so initial due diligence can be done to treat injuries – to include impact and treatment of daily living and working activities that occurred as a result of the escalator accident at the San Diego County Regional Airport on October 27, 2011.

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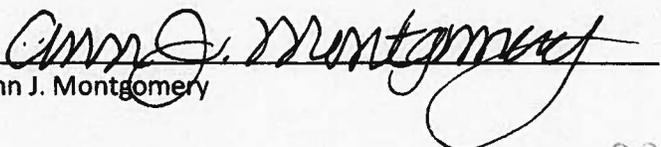
PROOF OF SERVICE BY MAIL

I, Ann J. Montgomery, declare:

1. That on July 27, 2012, I was over the age of 18 years and victim to the within action.
2. That I am employed at Hewlett-Packard Company, and my business address is 11311 Chinden Blvd., Boise, Idaho 83714.
3. That I am readily familiar with my practice for collection and processing of correspondence for mailing with the United States Postal Service and that the envelope would be deposited with the United States Postal Service on July 27, 2012, in the ordinary course of business.
4. That I served upon Amy Gonzalez, Esq. the NOTICE in this action on July 27, 2012, by placing said document into an envelope, sealing the envelope, and placing the envelope for collection and mailing on said date following ordinary business practices at my Hewlett-Packard Company home office, 2500 Mill Point Lane, Boise, Idaho 83712. The envelope was addressed as follows:

Amy Gonzalez, Esq.
Senior Assistant General Counsel
San Diego County Regional Airport Authority
P.O. Box 82776
San Diego, CA 92138-2776

I declare under penalty of perjury under the laws of the State of California and the State of Idaho that the foregoing is true and correct.


Ann J. Montgomery

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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.

FOR AUTHORITY CLERK USE
ONLY

Document No.: CL-168

Filed: 6-5-12

JUN 05 2012

| | |
|---|---|
| 1) Claimant Name: <u>Ann J. Montgomery</u> | |
| 2) Address to which correspondence regarding this claim should be sent: <u>2500 Mill Point Ln.</u> <u>Boise, ID 83712</u> | |
| Telephone No.: <u>208.867.2780</u> | Date: <u>5/23/12</u> |
| 3) Date and time of incident: <u>October 27, 2011</u> <u>9:45am</u> | |
| 4) Location of incident: <u>Escalator #11 San Diego airport</u> | |
| 5) Description of incident resulting in claim: <u>I was going up to Escalator to check in my luggage and return home to Boise.</u> <u>I felt a jolt on the escalator and then fell on my right side. My was cut from foot to top of arm on right side. Also my right hand was crushed under one of the steps. I could not get up on my own.</u> <u>A gentleman ahead of me heard me screaming and was assisted in getting me up.</u> <u>Police and paramedics were called.</u> | |
| 6) Name(s) of the Authority employee(s) causing the injury, damage or loss, if known: <u>Not known</u> | |
| 7) Persons having firsthand knowledge of incident: | |
| Witness (es) <u>Harbor Police</u> | Physician(s): <u>Stephen Diemont MD</u> |
| Name: <u>Incident # 1027145</u> | Name: <u>Julie Gunther MD</u> |
| Address: | Address: <u>Clinton Malhari, MD</u> |
| <u>Paramedics</u> | <u>Steven Care, MD</u> |
| Phone: <u>Incident FS # 208 2684</u> | Phone: <u>208.381.2344</u> <u>Alan</u> |
| <u>FS 11112678</u> | <u>208.473.3275</u> <u>Pitt MD</u> |
| <u>Lori A. Stazko</u> | <u>208.342.2700</u> <u>EIK'S</u> |
| <u>858.204.7598</u> | <u>208.383.0201</u> <u>Rehab</u> |

8) Describe property damage or personal injury claimed:

Pain-Disconfiguration- Limited use rt hand
Pain to back and neck- Both have been
fused.

Unable to tolerate occupational therapy
Welts that cover my entire body @ random times

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

Ann J Montgomery
2500 Mill Point Ln
Boise, ID 83712

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.

Amount Exceeds \$10k to date - still
receiving medical treatments.

concerned about future status of my health
and use of right hand.

Dated: 5/23/11

Claimant:

Ann J Montgomery
(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. 2012-0094

A RESOLUTION OF THE BOARD OF THE
SAN DIEGO COUNTY REGIONAL AIRPORT
AUTHORITY AUTHORIZING DENIAL OF THE
REQUEST OF ANNE MONTGOMERY TO FILE A
LATE CLAIM

WHEREAS, on June 5, 2012, Anne Montgomery filed a claim with the San Diego County Regional Airport Authority for damages she allegedly incurred as a result of using the escalator in Terminal One at San Diego International Airport on October 27, 2011; and

WHEREAS, the claim was returned as untimely with NOTICE on July 19, 2012; and

WHEREAS, on July 31, 2012, Anne Montgomery filed a request for leave to present a late claim for damages she allegedly incurred as a result of using the escalator in Terminal One at San Diego International Airport on October 27, 2011; and

WHEREAS, at its regular meeting on September 6, 2012, the Board considered the request to file a late claim filed by Anne Montgomery, the report submitted to the Board, and found that the request should be rejected.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby AUTHORIZES the denial of the request of Anne Montgomery to file a late claim; and

BE IT FURTHER RESOLVED that this Board DETERMINES 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 special meeting this 6th day of September, 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