

Columbus Regional Airport Authority related to injuries arising from an incident involving her fall from a wheelchair at John Glenn Columbus International Airport on or about November 25, 2017. In support of her claims, Plaintiff states as follows:

THE PARTIES

1. Plaintiff Yvetta Massey is an individual and a resident of Chicago, Illinois.
2. Defendant Southwest Airlines Co. is a corporation organized under the laws of the State of Texas, with its principal place of business in Dallas, Texas.
3. Defendant John Glenn Columbus International Airport is an international airport operated by Defendant Columbus Regional Airport Authority and located in Columbus, Ohio.
4. Defendant Columbus Regional Airport Authority is a regional airport authority organized pursuant to Ohio law that operates and oversees the management of several airports, including Defendant John Glenn Columbus International Airport, and has its principal place of business in Columbus, Ohio.

JURISDICTION AND VENUE

5. Plaintiff incorporates by reference each preceding and succeeding paragraph as though fully rewritten herein.
6. This Court has original jurisdiction over this matter pursuant to 28 U.S.C. § 1332 because the amount in controversy exceeds seventy-five thousand dollars (\$75,000.00) and Plaintiff's citizenship is diverse from each of the Defendants.
7. Venue is proper in this Court pursuant to 28 U.S.C. § 1332 because the incident described herein occurred in Columbus, Franklin County, Ohio, which is located within this judicial district.

FACTUAL ALLEGATIONS

8. Plaintiff incorporates by reference each preceding and succeeding paragraph as though fully rewritten herein.
9. In November of 2017, the then-56-year-old Plaintiff Yvetta Massey traveled via Southwest Airlines from her home in Chicago, Illinois to spend Thanksgiving with her family in Columbus, Ohio.
10. On November 25, 2017, the Saturday after Thanksgiving, Plaintiff's son drove her to John Glenn Columbus International Airport for her flight home to Chicago.
11. At all relevant times, due to chronic illnesses, Yvetta Massey suffered from balance issues that required her to use a wheelchair for long walks, including at places like airports.
12. Upon arriving at John Glenn Columbus International Airport on November 25, 2017, Yvetta Massey obtained a wheelchair from airport personnel, who fastened her into the wheelchair with a seatbelt and/or restraint.
13. Airport personnel transported Yvetta Massey to the gate from which her Southwest Airlines flight to Chicago was set to depart and unfastened the wheelchair's safety belt so that she would be able to use the nearby restroom prior to the flight. The restroom was close enough for Ms. Massey to reach it unassisted, and she was physically unable to fasten and/or unfasten the safety belt on her own.
14. When boarding began for Ms. Massey's flight, Ms. Massey was seated near the ticket agent and there were a number of other passengers, in addition to her, who required assistance to board the plane.
15. A Southwest Airlines employee approached Plaintiff Yvetta Massey and grabbed the wheelchair to push her from the terminal to the aircraft. He did not check to see whether

Ms. Massey was secured in the wheelchair or take any action to fasten a seatbelt/restraint.

He began pushing Ms. Massey extremely fast, ignoring her plea for him to slow down.

16. As the Southwest Airlines employee was pushing Ms. Massey in the wheelchair, the wheels, which had been wobbling, either became caught or otherwise locked up, stopping the wheelchair in its tracks. Plaintiff Yvetta Massey was thrown forward, landing hard on her hands and knees, and the wheelchair fell on top of her, with the Southwest Airlines employee also stumbling forward onto the chair and Ms. Massey.
17. After Plaintiff flew forward and fell hard on the ground, other members of the Southwest Airlines flight crew attempted to lift her from the ground. Ms. Massey was able to get to her feet and was then assisted to a seat on the plane, where she called her doctor in Chicago and was advised to come to the hospital immediately upon landing.
18. When Yvetta Massey landed in Chicago, a nurse met her at the gate and transported her directly to the emergency room, where Ms. Massey began treating for serious personal injuries including but not limited to injuries to her knees, shoulders, and wrists.

FIRST CAUSE OF ACTION

(Negligence – Defendant Southwest Airlines Co.)

19. Plaintiff incorporates by reference each preceding and succeeding paragraph as though fully rewritten herein.
20. Defendant Southwest Airlines Co. owed a duty to Plaintiff Yvetta Massey to ensure she was provided with assistance that would enable her to safely board her flight. This duty included, but was not limited to, the obligations set forth at 14 C.F.R. § 382.95. Defendant Southwest Airlines Co. breached this duty by failing to secure Ms. Massey in the wheelchair and by failing to use ordinary care in maneuvering the wheelchair, causing her to be thrown to the ground.

21. Defendant Southwest Airlines Co. owed a further duty to properly train its employees and/or agents with respect to dealing with the traveling public, including passengers like Yvetta Massey with disabilities requiring assistance and accommodation, including but not limited those obligations and requirements set forth in 14 C.F.R. § 382.141 and § 382.143. Defendant Southwest Airlines Co. breached this duty by failing to properly train and/or supervise its employees with respect to safely transporting and assisting passengers in wheelchairs, like Plaintiff who required assistance to board, including the employee who attempted to transport/assist Ms. Massey on the date described herein.
22. Defendant Southwest Airlines Co. owed a further duty to provide Complaints Resolution Officials and adhere to its complaint resolution procedures as set forth in 14 C.F.R. § 382.151, § 382.153, and § 382.155, among other regulations and rules, and breached this duty by failing to adhere to those procedures with respect to Plaintiff Yvetta Massey.
23. As a direct and proximate result of Defendant Southwest Airlines Co.'s negligence and breach of its duties of care, Plaintiff Yvetta Massey sustained serious and permanent personal injuries, including but not limited to injuries to her knees, shoulders, and wrists. As a further direct and proximate result of Defendant Southwest Airlines Co.'s negligence, Yvetta Massey was required to undergo hospital and medical care, including surgery, and incurred hospital and medical care costs. Plaintiff Yvetta Massey also incurred great pain, suffering, severe mental anguish, and severe emotional distress, along with significant limitations on her ability to carry out the activities of her life and a loss of enjoyment in her life.
24. Further, Plaintiff Yvetta Massey believes her injuries are permanent in nature and that they will require future medical care and future medical care costs, and that she will continue to

endure great pain, suffering, mental anguish, emotional distress, and loss of enjoyment in life.

SECOND CAUSE OF ACTION
(Vicarious Liability – Defendant Southwest Airlines Co.)

25. Plaintiff incorporates by reference each preceding and succeeding paragraph as though fully rewritten herein.
26. At all relevant times, the person who attempted to transport and/or assist Plaintiff in boarding via wheelchair on the date of the incident described herein was an employee and/or agent of Defendant Southwest Airlines Co.
27. The person who attempted to transport and/or assist Plaintiff in boarding the plane via wheelchair was acting within the course and scope of his employment and/or agency with Defendant Southwest Airlines Co. when he negligently failed to secure or restrain Plaintiff Yvetta Massey and negligently threw her from the wheelchair to the ground on the date described herein.
28. Defendant Southwest Airlines Co. is responsible for the negligent acts of its employees and/or agents, including the negligent acts of the person who attempted to transport and/or assist Plaintiff in boarding the plane via wheelchair, under the doctrines of vicarious liability, respondeat superior, principal agency, and/or agency by estoppel.
29. As a direct and proximate result of the negligent acts of the person who attempted to transport and/or assist Plaintiff in boarding the plane via wheelchair, Plaintiff Yvetta Massey suffered the serious personal injuries and damages set forth herein, for which Defendant Southwest Airlines Co. is liable.

THIRD CAUSE OF ACTION

(Negligence – Defendant John Glenn Columbus International Airport)

30. Plaintiff incorporates by reference each preceding and succeeding paragraph as though fully rewritten herein.
31. Defendant John Glenn Columbus International Airport owed a duty to Plaintiff Yvetta Massey to ensure that the wheelchair it provided her with was maintained in good working order and breached this duty by failing to keep the wheelchair in good repair and/or by providing her with a wheelchair that was broken and/or defective.
32. As a direct and proximate result of Defendant John Glenn Columbus International Airport's negligence and breach of its duties of care, Plaintiff Yvetta Massey sustained serious and permanent personal injuries, including but not limited to injuries to her knees, shoulders, and wrists. As a further direct and proximate result of Defendant John Glenn Columbus International Airport's negligence, Yvetta Massey was required to undergo hospital and medical care, including surgery, and incurred hospital and medical care costs. Plaintiff Yvetta Massey also incurred great pain, suffering, severe mental anguish, and severe emotional distress, along with significant limitations on her ability to carry out the activities of her life and a loss of enjoyment in her life.
33. Further, Plaintiff Yvetta Massey believes her injuries are permanent in nature and that they will require future medical care and future medical care costs, and that she will continue to endure great pain, suffering, mental anguish, emotional distress, and loss of enjoyment in life.

FOURTH CAUSE OF ACTION

(Negligence – Defendant Columbus Regional Airport Authority)

34. Plaintiff incorporates by reference each preceding and succeeding paragraph as though fully rewritten herein.
35. Defendant Columbus Regional Airport Authority owed a duty to Plaintiff Yvetta Massey to ensure that the wheelchair it provided her with was maintained in good working order and breached this duty by failing to keep the wheelchair in good repair and/or by providing her with a wheelchair that was broken and/or defective.
36. As a direct and proximate result of Defendant Columbus Regional Airport Authority's negligence and breach of its duties of care, Plaintiff Yvetta Massey sustained serious and permanent personal injuries, including but not limited to injuries to her knees, shoulders, and wrists. As a further direct and proximate result of Defendant Columbus Regional Airport Authority's negligence, Yvetta Massey was required to undergo hospital and medical care, including surgery, and incurred hospital and medical care costs. Plaintiff Yvetta Massey also incurred great pain, suffering, severe mental anguish, and severe emotional distress, along with significant limitations on her ability to carry out the activities of her life and a loss of enjoyment in her life.
37. Further, Plaintiff Yvetta Massey believes her injuries are permanent in nature and that they will require future medical care and future medical care costs, and that she will continue to endure great pain, suffering, mental anguish, emotional distress, and loss of enjoyment in life.

FIFTH CAUSE OF ACTION

(Vicarious Liability – Defendant John Glenn Columbus International Airport)

38. Plaintiff incorporates by reference each preceding and succeeding paragraph as though fully rewritten herein.
39. At all relevant times, the person responsible for ensuring that the wheelchair provided to Plaintiff Yvetta Massey was maintained in good working order and/or who provided her with a wheelchair that was broken and/or defective was an employee and/or agent of Defendant John Glenn Columbus International Airport.
40. The person responsible for ensuring that the wheelchair provided to Plaintiff Yvetta Massey was maintained in good working order and/or who provided her with a wheelchair that was broken and/or defective was acting within the course and scope of his or her employment and/or agency with Defendant John Glenn Columbus International Airport when he or she negligently failed to keep the wheelchair in good repair and/or provided Plaintiff with a wheelchair that was broken and/or defective.
41. Defendant John Glenn Columbus International Airport is responsible for the negligent acts of its employees and/or agents, including the negligent acts of the person responsible for ensuring that the wheelchair provided to Plaintiff Yvetta Massey was maintained in good working order and/or who provided her with a wheelchair that was broken and/or defective, under the doctrines of vicarious liability, respondeat superior, principal agency, and/or agency by estoppel.
42. As a direct and proximate result of the negligence of the person responsible for ensuring that the wheelchair provided to Plaintiff Yvetta Massey was maintained in good working order and/or who provided her with a wheelchair that was broken and/or defective, Plaintiff

Yvetta Massey suffered the serious personal injuries and damages set forth herein, for which Defendant John Glenn Columbus International Airport is liable.

SIXTH CAUSE OF ACTION

(Vicarious Liability – Defendant Columbus Regional Airport Authority)

43. Plaintiff incorporates by reference each preceding and succeeding paragraph as though fully rewritten herein.
44. At all relevant times, the person responsible for ensuring that the wheelchair provided to Plaintiff Yvetta Massey was maintained in good working order and/or who provided her with a wheelchair that was broken and/or defective was an employee and/or agent of Defendant Columbus Regional Airport Authority.
45. The person responsible for ensuring that the wheelchair provided to Plaintiff Yvetta Massey was maintained in good working order and/or who provided her with a wheelchair that was broken and/or defective was acting within the course and scope of his or her employment and/or agency with Defendant Columbus Regional Airport Authority when he or she negligently failed to keep the wheelchair in good repair and/or provided Plaintiff with a wheelchair that was broken and/or defective.
46. Defendant Columbus Regional Airport Authority is responsible for the negligent acts of its employees and/or agents, including the negligent acts of the person responsible for ensuring that the wheelchair provided to Plaintiff Yvetta Massey was maintained in good working order and/or who provided her with a wheelchair that was broken and/or defective, under the doctrines of vicarious liability, respondeat superior, principal agency, and/or agency by estoppel.
47. As a direct and proximate result of the negligence of the person responsible for ensuring that the wheelchair provided to Plaintiff Yvetta Massey was maintained in good working

order and/or who provided her with a wheelchair that was broken and/or defective, Plaintiff Yvetta Massey suffered the serious personal injuries and damages set forth herein, for which Defendant Columbus Regional Airport Authority is liable.

WHEREFORE, Plaintiff prays that judgment be entered in her favor and against the Defendants in an amount exceeding Seventy-Five Thousand Dollars (\$75,000.00) on each count set forth herein, together with interest, costs, reasonable attorney fees associated herewith, and such other relief as the Court may deem just and proper.

Respectfully submitted,

/s/ Kathleen R. Harris
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JURY DEMAND

Plaintiff respectfully demands a trial by jury on all issues triable by right.

/s/ Kathleen R. Harris
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