

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

CARMEN RIVAS,

Plaintiff

v.

**JETBLUE AIRWAYS CORPORATION;
AEROSTAR AIRPORT HOLDINGS,
LLC; AUTORIDAD DE LOS PUERTOS
d/b/a PUERTO RICO PORTS
AUTHORITY; JOHN DOES I-X; ABC
INSURANCE COMPANIES;** as well as any
other unknown joint tortfeasors.

Defendants

CIVIL NO.

TORT CLAIM FOR DAMAGES
UNDER
31 L.P.R. Ann. secs. 5141 and 5142

TRIAL BY JURY DEMANDED

COMPLAINT

APPEARS NOW the Plaintiff **CARMEN RIVAS**, through the undersigned attorney,
and hereby states, alleges and demands judgment as follows:

JURISDICTIONAL BASIS AND VENUE

1. Jurisdiction in this case arises under 28 U.S.C. §1332 (diversity jurisdiction).
2. Plaintiff is a citizen and domiciled in the State of Connecticut, while all Defendants are businesses incorporated and/or operating with their principal place of business in Puerto Rico or a state of the United States other than Connecticut.
3. The amount in controversy exceeds the sum of Seventy Five Thousand Dollars (\$75,000), exclusive of interest and costs, vesting jurisdiction on this Honorable Court pursuant to 28 U.S.C. §1332.

4. Venue is proper in the District of Puerto Rico pursuant to 28 U.S.C. §1391 since the events or omissions giving rise to this claim occurred in this district.

THE PARTIES

4. Plaintiff **CARMEN RIVAS** is of legal age, widowed and a citizen and domiciled in the State of Connecticut.
5. Defendant **JETBLUE AIRWAYS CORPORATION** (hereinafter referred to as “**JETBLUE**”) is a corporation organized and operating under the laws of the State of Delaware with its principal place of business in New York.
6. Defendant **AUTORIDAD DE LOS PUERTOS** d/b/a **PUERTO RICO PORTS AUTHORITY** (hereinafter referred to as, “**PRPA**”) is a public corporation organized or operating under the laws of the Commonwealth of Puerto Rico, with its principal place of business in Puerto Rico.
7. Defendant **AEROSTAR AIRPORT HOLDINGS, LLC** (hereinafter referred to as “**AEROSTAR**”) is a corporation organized and operating under the laws of the Commonwealth of Puerto Rico with its principal place of business in Puerto Rico which operates and manages the Luis Muñoz Marín International Airport (hereinafter “**LMM**”) on behalf of PRPA.
8. Defendants **John Does I-X** are unknown and fictitiously named herein to be later replaced by their actual names, which may become known through discovery in this litigation, and may be liable to Plaintiff, in whole or in part, jointly and/or severally, for the damages caused to Plaintiff by the actions herein described.

9. Defendants **ABC INSURANCE COMPANIES** are insurance companies presently unknown who are believed to provide named and unnamed defendants with liability insurance during the applicable time period.

GENERAL ALLEGATIONS

9. On December 27, 2013, Carmen Rivas and her son, Ronald K. Rivas, travelled to Puerto Rico via JetBlue Airways from her home state of Connecticut to spend time with her family and to enjoy some vacation time.
10. The flight was booked with a special request for a wheelchair since Carmen, at the time, had just about finished recovering from back surgery she had had two weeks earlier and preferred to avoid exertion by walking.
11. Carmen was cleared to travel by her neurosurgeon.
12. Upon their arrival at LLM, Carmen and her son, Ronald, waited for the rest of the passengers on the flight to exit the aircraft so they could safely step off the plane themselves.
13. Carmen was wearing flat shoes and was not carrying anything in her hands.
14. As Carmen approached the exit door, there was a female flight attendant standing at the front of the plane next to the exit door speaking with passengers as they stepped off, thanking them for “flying with JetBlue”.
15. As Carmen slowly walked toward the exit door, she saw an airport employee waiting inside the jet bridge with a wheelchair.
16. In order to exit the plane, Carmen took a step with her left foot to clear a small ledge that is formed by the outer wall of the plane protruding about one inch above the floor of the plane where the passengers are standing.

17. From this vantage point, Carmen was unaware of the difference in elevation between the floor of the plane and the jet bridge; the jet bridge made contact with the plane two to three inches below the level of the plane's floor.
18. The jet bridge that connects to the aircraft was between two to three inches below the level of the plane's floor at the doorway, creating a vertical gap between the surface being exited and the surface onto which Carmen was stepping that was not visible from inside the craft.
19. As Carmen took a step unaware of this particularity, her ankle rolled and she grabbed the doorframe to her left side in an attempt not to fall.
20. The strain on her body from the event was such that she could not walk anymore. Her son supported her, helped her out of the plane and into the wheelchair that was waiting for her.
21. There was no signage inside the aircraft or outside it, in the jet bridge, within sight of the exiting passengers, warning of the difference in elevation between the plane and the jet bridge platform or of the ledge protruding at the threshold, between the plane and the jet bridge.
22. Neither the flight attendant nor the airport employee waiting inside the jet bridge offered Carmen help when she was stepping out of the aircraft.
23. The flight attendant did not provide any warning of caution as Carmen approached the exit or as she stepped off the plane.
24. Carmen stayed in the wheelchair until the paramedics arrived. At this time, the pain Carmen experienced was unbearable.

25. After the paramedics bandaged and shunted Carmen's ankle, her son took her to Auxilio Mutuo hospital in San Juan, Puerto Rico. No orthopedic staff was available.
26. The family later located an orthopedic surgeon from the Carolina Regional Hospital, in Puerto Rico, where Carmen spent a sleepless night on a stretcher in a hallway because she could not find any position that alleviated the pain.
27. At the Carolina Regional Hospital Carmen was diagnosed with a fractured tibia and fibula.
28. Due to this unfortunate event, Carmen required surgery in which a titanium plate with ten screws was used to stabilize the fracture.
29. Carmen was released from the hospital the same day of the procedure with a cast on her left ankle.
30. Carmen remained at her brother's house in Puerto Rico, confined to a wheelchair and fully impeded from enjoying her vacation, due to her limitation in movement and constant pain. The family reunion that was planned was largely ruined also.
31. During the time remaining in Puerto Rico, Carmen needed assistance for the most basic tasks, including: showering, getting dressed, preparing and serving her meals, moving from the wheelchair to the bed and vice versa, and travelling to doctor's appointments. Carmen was directed by her physicians not to bear any weight on her foot.
32. Basic necessities were strenuous to achieve. Carmen could not even sleep due to the unbearable pain and the discomfort caused by the heavy cast.
33. Upon returning to the United States, rather than going to her home in Connecticut, Carmen relocated to her sister's home in the state of New Jersey for seven (7) weeks. In

New Jersey, Carmen was assisted round-the-clock by a woman who worked full-time for her sister.

34. During this time, Carmen was deprived of the company of her son, who lived/s with her and had to drive frequently to New Jersey to see her and assist her. He also drove from Connecticut to New Jersey and back to take her to medical appointments with her physicians at home.
35. After the prolonged period in New Jersey, in February 2014, Carmen moved back to her home in Connecticut to start physical therapy.
36. For the first three months of her sessions, the pain was so excruciating that Carmen started to question if she would ever walk again.
37. To make her day-to-day life at home less insufferable, Carmen had to buy an adjustable bed and relocate her sleeping area to the first floor of her two-story house, because she was unable to climb up the stairs to the second story.
38. Currently, Carmen still finds it very difficult to climb the stairs to her second floor and still continues to have difficulty sleeping because of the pain caused by her injury.
39. Carmen continues to take "Neurontin" and "Tylenol" for pain on a daily basis and needs to use a cane to walk.
40. Carmen's way of life has rudely and violently been altered by the event at LMM. She has to perform copious amount of stretching exercises just to get up from bed every day.
41. Carmen has had to incur in new and unforeseen living expenses, such as the adjustable bed purchased and the hiring of domestic assistance for house cleanup and chores.
42. Carmen is still physically dependent on her son for elementary tasks and most errands. Carmen's socializing during all this time has been very limited.

43. Carmen feels she has lived more than six months of pain, agony and isolation. She is exhausted from having to rely on others for most of her basic necessities.
44. Carmen's son did not work for four months in order to be able to assist her.
45. Carmen was not able to return to work as a teacher for the semester commencing in January 2014 and is currently uncertain whether she will be able to return to work in September.
46. Carmen has used 107 days of sick time she had accumulated at her workplace. Had she not needed to use this accumulated sick time, it would have been paid to her upon retirement, which currently is approximately five (5) years away.
47. Carmen briefly stopped physical therapy in June when her plan ceased covering the sessions. Carmen currently continues to take physical therapy at her own expense.
48. Carmen's orthopedic surgeon has informed her that it is more probable than not that she will need another surgery, possibly by December or later.

FIRST CAUSE OF ACTION

49. The factual allegations contained above are restated herein in full.
50. The Defendants, through their acts or omissions, caused damage to Plaintiff through fault or negligence in violation of 31 L.P.R.A. §5141 and/or 31 L.P.R.A. §5142.
51. On or about December 27, 2013, the Defendants, their agents, servants, and/or employees owned, managed and/or operated the Luis Muñoz Marín International Airport in Isla Verde, Puerto Rico.
52. On or about April 6, 2009, the Defendants, their agents, servants and/or employees were responsible for operating and maintaining the jet bridges of the LMM International Airport.

53. At all times herein mentioned, it was the duty of the Defendants, their agents, servants, and/or employees, to maintain the jet bridges of the LMM International Airport in a safe and suitable condition and in good repair.
54. At all times herein mentioned, it was the duty of the Defendants, their agents, servants, and/or employees, to provide a suitable and safe area for walking from the airplanes, onto the jet bridges at LMM International Airport that did not present potential injury to airport passengers or unmarked dangerous conditions.
55. On or about December 27, 2013, the Defendants, their agents, servants, and/or employees, failed to properly maintain the jet bridges in a safe and suitable condition and in good repair.
56. On or about December 27, 2013, the Defendants, their agents, servants, and/or employees, failed to provide a suitable and safe area for walking on the jet bridges at LMM International Airport that did not present potential injury to airport passengers or unmarked dangerous conditions.
57. The Defendants, their agents, servants, and/or employees acted negligently, carelessly, and recklessly by failing to properly maintain the area of the jet bridge connecting to the aircraft at the LMM International Airport in a safe and suitable condition and in good repair.
58. On or about December 27 2014, the Defendants, their agents, servants and/or employees breached their duty to properly maintain the area of the jet bridge connecting to the aircraft at the Luis Muñoz Marín International Airport in a reasonably safe and suitable condition and in good repair.

59. On or about December 27, 2014, the Defendants, their agents, servants and/or employees breached their duty to provide a suitable and safe area for walking within the Luis Muñoz Marín International Airport that did not present potential injury to airport passengers or unmarked dangerous conditions.
60. Defendants knew or should have known that an unmarked uneven surface in the area connecting between the aircraft and the jet bridge was dangerous and could result in unsuspecting individuals tripping, missing a step and/or falling.
61. Defendants knew or should have known that injuries could occur to individuals who tripped, missed a step and/or fell upon transiting the unmarked uneven surface between the aircraft and the jet bridge.
62. As a direct result of the Defendants' negligent acts or omissions, Plaintiff Carmen Rivas rolled her ankle on an unmarked uneven surface between the plane she was disembarking and the jet bridge provided to access the airport terminal, fell, and suffered serious and permanent physical injuries as well as mental and emotional pain and suffering and economic damages.
63. As a direct result of the Defendants' negligent acts or omissions, Plaintiffs have suffered emotional pain and suffering and economic damages.

SECOND CAUSE OF ACTION

57. The factual allegations contained above are restated herein in full.
58. The insurance companies of any named or unnamed defendants, the ABC Insurance Companies, are directly liable for the fault or negligence of the insured pursuant to 26 L.P.R.A. § 2001.

59. Pursuant to 26 L.P.R.A. § 2003, an action against an insurer may be brought separately or may be joined with an action against the insured.

DAMAGES

60. The factual allegations contained above are restated herein in full.

61. As a direct result of the acts and/or omissions of Defendants, Plaintiff Carmen Rivas, has suffered damages in the form of physical and mental injuries, mental and emotional anguish, ongoing pain and suffering, and economic loss.

62. As a direct result of Defendants' negligent acts and/or omissions, Carmen fractured her left fibula and tibia.

63. As a direct result of Defendants' negligent acts and/or omissions, Carmen required surgery and the installation of hardware to fix her broken fibula and tibia.

64. As a direct result of Defendants' negligent acts and/or omissions, Carmen suffered intense pain and suffering from the surgery and was completely dependent on family members for most of her needs for a prolonged period of time.

65. As a direct result of Defendants' negligent acts and/or omissions, Carmen's vacation in Puerto Rico was ruined before it had even begun.

66. As a direct result of Defendants' negligent acts and/or omissions, Carmen was forced to move to her sister's home in a state different from where her home is located, in order to be cared for by a woman in the employment of her sister, who was a stranger to her.

67. As a direct result of Defendants' negligent acts and/or omissions, upon returning to her home after approximately 7 weeks at her sister's home, Carmen was forced to move her sleeping quarters to an inappropriate location in her house, drastically altering the way she enjoys her home and her life.

68. As a direct result of Defendants' negligent acts and/or omissions, since January 2014 Carmen has been undergoing painful physiotherapy three times a week and, until today, continues to have ongoing pain and issues of mobility and strength with her ankle and back.
69. As a direct result of Defendants' negligent acts and/or omissions, Carmen will have to undergo surgery again before the end of 2015.
70. As a direct result of Defendants' negligent acts and/or omissions, Carmen was forced to incur in the expense of inconveniently commuting from her sister's home to her home in a different state every week to attend to medical appointments for the treatment that she needed. Carmen's son drove two hours to pick her up and two more back to take Carmen to her appointments and returned her the following day enduring another four-hour drive to New Jersey and back, but Carmen paid the cost of gas, tolls and expenses along the way.
71. As a direct result of Defendants' negligent acts and/or omissions, Carmen lost the value of her own household services, which she was unable to perform for a significant period of time, and was forced to incur in the expense of hiring help once a week to do household chores.
72. As a direct result of Defendants' negligent acts and/or omissions, Carmen had to incur in the expense of purchasing an adjustable bed.
73. As a direct result of Defendants' negligent acts and/or omissions, Carmen was forced to incur in the expense of paying for physical therapies after her medical coverage was exhausted. She is currently attending twice a week and performs daily exercises at her home.

74. As a direct result of Defendants' negligent acts or omissions, Carmen has lost income in the form of loss of 107 accrued sick days, which would have been paid to her upon her retirement if not used up at the relevant time.
75. At the time of this filing, it is still uncertain whether Carmen will be able to return to her job when the school semester starts in August/September. If she were unable to withstand working, she will continue to use accumulated sick days and, if these run out, will have to take a leave without income.
76. As a direct result of Defendants' negligent acts or omissions, Carmen has, and will continue to, experience past and future special damages, related to but not limited to the cost of past and future personal care, costs associated with commuting, treatments, medications, therapies and equipment.
77. Plaintiff Carmen Rivas' past and future physical damages have a reasonable value of not less than **FIVE HUNDRED THOUSAND DOLLARS (\$500,000.00)**.
78. Plaintiff Carmen Rivas' past and future emotional damages have a reasonable value of not less than **FIVE HUNDRED THOUSAND DOLLARS (\$500,000.00)**.
79. Plaintiffs' economic losses, including but not limited to, past and future lost earnings have a reasonable value of not less than **ONE HUNDRED THOUSAND DOLLARS (\$100,00.00)**.
80. Defendants are jointly and severally liable for all damages.

TRIAL BY JURY DEMANDED

73. Plaintiffs hereby demand a trial by jury.

WHEREFORE, Plaintiff demands judgment against Defendants jointly and severally, in

the amount of no less than **ONE MILLION ONE HUNDRED THOUSAND DOLLARS (\$1,100,000.00)** as well as reasonable attorney's fees, and such further relief as this Honorable Court may deem just and proper under the law.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico this 11th day of August 2014.

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