

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

MIRNA GONZALEZ as Conservator for
GABRIELLA GONZALEZ a minor

Plaintiff,

v.

MICHELLE BRANNAN, ALASKA
AIRLINES INC., and PORT OF
PORTLAND, a municipal corporation,

Defendants.

CASE NO.
COMPLAINT AND DEMAND FOR JURY
TRIAL – PERSONAL INJURY based on
Strict Liability, Negligence and Negligence
Per Se

NOT SUBJECT TO MANDATORY
ARBITRATION

Prayer Amount: \$1,100,000

FEE AUTHORITY ORS 21.160
(1)(d) \$834.00

COMMON ALLEGATIONS

1.

At all material times mentioned herein, the Portland International Airport was open to the public, located in Multnomah County, Oregon and operated by Defendant Port of Portland.

2.

Plaintiff Mirna Gonzalez has been appointed by the Court as Conservator for her minor daughter, Gabriella Gonzalez, in Multnomah County Case Number 18PR02136.

3.

1 Defendant Michelle Brannan is a resident of Multnomah County and was the
2 owner of a pit bull.

3 4.

4 At all material times mentioned herein, Alaska Airlines Inc., was a foreign
5 corporation doing regular and sustained business out of the Portland International
6 Airport in Multnomah County.

7 5.

8 On or about December 18, 2017, Gabriella Gonzalez, age 5, was at Gate C7 of the
9 Portland International Airport waiting for a flight with her family. Defendant Michelle
10 Brannan came to the Portland International Airport with her pit bull. Ms. Brannan
11 claimed the pit bull was an emotional support animal. She went through the ticketing
12 process at Alaska Airlines without the pit bull being in a crate, kennel or other secure
13 container. She then took the pit bull through Port of Portland security without the
14 animal being in a crate, kennel or another secure container. Once inside the secure area
15 of the airport, she went to gate C7 where her pit bull attacked Gabriella Gonzalez
16 causing serious injuries as fully set forth below.

17 6.

18 As a result of the incident, Gabriella Gonzalez suffered injury to the muscles,
19 tendons, bones, nerves and soft tissue of her face, eye, eyelid, tear duct and lip, as well
20 as emotional trauma; all of which injuries, and the consequences of them, are
21 permanent and have caused her to suffer non-economic damages including, but not
22 limited to, past and future pain and suffering as well as past and future inconvenience
23 and interference with normal and usual activities apart from gainful employment, all to
24 her non-economic damages of \$1 Million.

25 7.

1 As a result of the incident, Gabriella Gonzalez required surgery to repair
2 complex facial lacerations and a damaged tear duct, and has incurred medical expenses
3 and will incur future medical expenses, all to her economic damages of \$100,000 with
4 additional amounts to be determined at trial.

5 **FIRST CLAIM FOR RELIEF**

6 **STRICT LIABILITY**

7 **Against Defendant Michelle Brannan**

8 8.

9 Plaintiff re-alleges paragraphs 1-7.

10 9.

11 At all material times mentioned Defendant Brannan knew, or in the exercise of
12 reasonable care, should have known that her pit bull was displaying threatening and
13 aggressive behavior and possessed vicious propensities.

14 10.

15 At all times mentioned herein, Defendant Brannan knew, or in the exercise of
16 reasonable care, should have known that taking her pit bull to the airport created an
17 unreasonable risk of harm to the public, including Gabriella Gonzalez.

18 11.

19 As a result of the attack and as a result of Defendant Brannan's prior notice of the
20 vicious propensities and disposition of her pit bull, Defendant Brannan is strictly liable
21 for the injuries sustained by Gabriella Gonzalez.

22 **SECOND CLAIM FOR RELIEF**

23 **NEGLIGENCE PER SE – VIOLATION OF PORT OF PORTLAND**
24 **INTERNATIONAL AIRPORT RULES AS AUTHORIZED BY ORS 778.260 AND**
25 **PORT OF PORTLAND ORDINANCE 423-R**

Against Defendants Michelle Brannan, Alaska Airlines Inc., and Port of Portland

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12.

Plaintiff re-alleges paragraphs 1-11.

13.

At all material times, Chapters 2 and 6 of the Portland International Airport Rules prohibited anyone from bringing an animal into the airport unless the animal was in a crate, kennel or otherwise approved container or was a trained and registered service or law enforcement animal. These rules were in full force and effect at the time of this incident.

14.

The Portland International Airport Rules referenced above were intended to protect individuals using the airport including Gabriella Gonzalez.

15.

The injuries suffered by Gabriella Gonzalez were of the type that the Portland International Airport Rules were intended to protect against.

16.

At all material times Defendants Brannan, Alaska Airlines Inc., and the Port of Portland violated the Portland International Rules in one or more of the following particulars:

- a. In bringing an animal that was not a law enforcement animal, government working animal or trained and registered service animal to the Portland International Airport without the animal being in a crate, kennel or another approved container;
- b. In allowing an animal that was not a law enforcement animal, government working animal or trained and registered service animal into the Portland International Airport without the animal being in a crate, kennel or another approved container.

17.

As a result of Defendants Brannan, Alaska Airlines Inc., and the Port of Portland's violation of the Portland International Airport Rules, Gabriella Gonzalez sustained economic and non-economic damages as alleged above in paragraphs 6 and 7.

**THIRD CLAIM FOR RELIEF
NEGLIGENCE**

Against Defendant Port of Portland

18.

Plaintiff re-alleges paragraphs 1-17.

19.

At all material times, the Port of Portland was the possessor of the Portland International Airport and held it open to the public for business purposes.

20.

At all material times, Gabriella Gonzalez was a member of the public at the Portland International Airport for the economic benefit of the Port of Portland.

21.

On or about December 18, 2017, the Port of Portland by the actions of its employees, was negligent in one or more of the following particulars:

- a) In allowing a passenger into the secure area of the Portland International Airport with a pit bull that was not a trained and registered service animal, law enforcement animal or crated, muzzled or otherwise restrained from attacking members of the public including Gabriella Gonzalez.
- b) In failing to inspect the premises to discover that passengers were bringing unsecured, untrained, dangerous animals into the airport;

1 c) In failing to warn guests of the dangers of unsecured, untrained animals in
2 the airport so that they could protect themselves.

3 22.

4 As a result of Defendant Port of Portland's negligence, Gabriella Gonzalez
5 sustained economic and non-economic damages as alleged above in paragraphs 6 and
6 7.

7 23.

8 Defendant Port of Portland was timely notified of this claim pursuant to ORS
9 30.275.

10 **FOURTH CLAIM FOR RELIEF**
11 **NEGLIGENCE**

12 **Against Defendant Alaska Airlines, Inc.**

13 24.

14 Plaintiff re-alleges paragraphs 1-23.

15 25.

16 At all material times, Alaska Airlines Inc., leased and controlled Gate C7 of the
17 Portland International Airport and held Gate C7 open to the public for business
18 purposes.

19 26.

20 At all material times, Gabriella Gonzalez was a member of the public at the
21 Alaska Airlines Inc., Gate C7 for the economic benefit of the Alaska Airlines.

22 27.

23 On or about December 18, 2017, Alaska Airlines Inc., by the actions of its
24 employees, was negligent in one or more of the following particulars:

25 a) In allowing a passenger into the waiting area of Gate C7 at the Portland
International Airport with a pit bull that was not a trained and registered

1 service animal, law enforcement animal or crated, muzzled or otherwise
2 restrained from attacking members of the public including Gabriella
3 Gonzalez.

- 4 b) In failing to inspect the premises to discover that passengers were bringing
5 unsecured, untrained, dangerous animals into the waiting area of Gate C7;
6 c) In failing to warn guests of the dangers of unsecured, untrained animals in
7 the airport so that they could protect themselves.

8 28.

9 As a result of Defendant Alaska Airlines' negligence, Gabriella Gonzalez
10 sustained economic and non-economic damages as alleged above in paragraphs 6 and
11 7.

12 WHEREFORE, Plaintiff prays for judgment against the defendants in a sum not more
13 than \$1,100,000 and Plaintiff's costs and disbursements herein.

14 DATED February 25, 2019.

15
16 /s/ Chad Stavley
17 Chad Stavley, OSB #03465
18 Email: chad@oregonaccidentattorney.com
19 Trial Attorney for Plaintiff
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