

**Exhibit "A"**

April 2, 2012

Mayor & City Council  
County-City Building  
Lincoln, Nebraska 68508

RE: Report of Claims Against the City of Lincoln for March 16 through March 31, 2012

Dear Mayor & Council:

The following is a report of claims against the City of Lincoln which have been disposed of, or are pending, for the period of March 16 through March 31, 2012. This report will describe the claims and the dispositions or status of these claims.

**DENIED CLAIMS:**

**Melinda Atkinson** filed a claim during the month of February, 2012, in the amount of \$257.06 for damage allegedly incurred to door as the result of action by Lincoln police. This claim has been reviewed by this office and has been **denied**.

**Twila A. Wilson** filed a claim during the month of February, 2012, in an unspecified amount for damage allegedly incurred to mailbox as the result of snow removal activity. This claim has been reviewed by this office and has been **denied**.

**Leatrice Bullock** filed a claim during the month of February, 2012, in the amount of \$57.06 for damage allegedly incurred to mailbox as the result of snow removal activity. This claim has been reviewed by this office and has been **denied**.

**Christine Peters, P.R. of the Estate of Margaretha Clapp** filed a claim during the month of February, 2012, in the amount of \$125.00 for damage allegedly incurred to sod as the result of snow removal activity. This claim has been reviewed by this office and has been **denied**.

**Charlotte Mulder** filed a claim during the month of February, 2012, in the amount of \$271.62 for damage allegedly incurred to vehicle as the result of a pothole. This claim has been reviewed by this office and has been **denied**.

**Ryan Brundege** filed a claim during the month of February, 2012, in the amount of \$304.43 for damage allegedly incurred to vehicle as the result of a pothole. This claim has been reviewed by this office and has been **denied**.

**J.A. McShane** filed a claim during the month of February, 2012, in the amount of \$65.96 for damage allegedly incurred to mailbox as the result of snow removal activity. This claim has been reviewed by this office and has been **denied**.

**Kent Dixon** filed a claim during the month of February, 2012, in an unspecified amount for damage allegedly incurred to sod as the result of snow removal activity. This claim has been reviewed by this office and has been **denied**.

**Bonnie Luebbe** filed a claim during the month of February, 2012, in the amount of \$27.16 for damage allegedly incurred to mailbox as the result of snow removal activity. This claim has been reviewed by this office and has been **denied**.

**Lackeyitha Willis** filed a claim during the month of February, 2012, in the amount of \$342.20 for damage allegedly incurred to vehicle as the result of a pothole. This claim has been reviewed by this office and has been **denied**.

**Kevin Taylor** filed a claim during the month of February, 2012, in an unspecified amount for damage allegedly incurred to sod and sprinkler system as the result of snow removal activity. This claim has been reviewed by this office and has been **denied**.

**Tamara K. Wellmann** filed a claim during the month of March, 2012, the amount of \$131.18 for damage allegedly incurred to sod as the result of snow removal activity. This claim has been reviewed by this office and has been **denied**.

**Mike and Laurie Cornelius** filed a claim during the month of March, 2012, in the amount of \$539.00 for damage incurred to door of rental property as the result of action by Lincoln police. This claim has been reviewed by this office and has been **denied**.

**Mikayla Poor Bear** filed a claim during the month of March, 2012, in the amount of \$90.00 for damage incurred to wall as the result of action by Lincoln police who were dispatched to a disturbance at claimant's apartment. This claim has been reviewed by this office and has been **denied**.

#### **ALLOWED/SETTLED CLAIMS:**

**Michael C. Mahoney** filed a claim during the month of January, 2012, in the amount of \$8,611.53 for damages incurred as the result of a sewer back-up. This claim has been reviewed by this office and has been **settled** in the amount of \$3,607.91.

**Mark Ekeler** filed a claim during the month of February, 2012, in the amount of \$3,396.79 for damage incurred to vehicle as the result of an accident involving a City snowplow. This claim has been **settled** by the Risk Management Office in the amount of \$3,396.79.

**DeAndrae Melvin** filed a claim during the month of February, 2012, in the amount of \$1,513.95 for damage incurred to vehicle when struck by a StarTran bus. This claim has been **settled** by the Risk Management Office in the amount of \$1,363.95.

**Stephen G. Davis** filed a claim during the month of March, 2012, in the amount of \$275.00 for damage incurred to bicycle as the result of an accident involving a StarTran bus. This claim has been **settled** by the Risk Management Office in the amount of \$275.00.

**Nate Kollars** filed a claim during the month of March, 2012, in the amount of \$822.47 for proceeds from sale of motorcycle at police auction. This claim has been reviewed by this office and has been **allowed** in the amount of \$822.47.

**Nicholas Anderson** filed a claim during the month of March, 2012, in the amount of \$2,586.75 for damage incurred to vehicle as the result of an accident involving a Public Works vehicle. This claim has been **settled** by the Risk Management Office in the amount of \$1,525.00.

**Rentals 4U, LLC** filed a claim during the month of March, 2012, in the amount of \$411.46 for damage incurred to rental property as a result of the execution of a no-knock warrant by Lincoln police. This claim has been reviewed by this office and has been **allowed** in the amount of \$411.46.

**Eric Keester** filed a claim in the amount of \$1,097.60 for damage incurred to vehicle as the result of an accident involving a police vehicle. This claim has been **settled** by the Risk Management Office in the amount of \$1,097.60.

#### **LITIGATION SETTLEMENT:**

**Jeffery and Nerissa Ahern** filed a claim in February, 2010, in the amount of \$4,728.16 for damages incurred as the result of a sanitary sewer back-up. This claim was reviewed by this office and denial was approved by the Lincoln City Council on June 28, 2010. Counsel for claimant filed suit in the Lancaster County District Court on February 18, 2011. This case has been **settled** in the amount of \$2,000.

#### **PENDING CLAIMS:**

**State Farm Insurance (Kimberly Watkins Lutz, Insured)** filed a subrogation claim during the month of September, 2010, for medical payments made on behalf of its insured as the result of a motor vehicle accident involving a police vehicle. This claim is under review and is **pending**,

**Brent Braun** filed a claim during the month of October, 2010, in the amount of \$577.50 for damage allegedly incurred to sewer line as the result of water main construction. This claim is under review and is **pending**.

**Willa D. Smith** filed a claim during the month of December, 2010, in an unspecified amount for injury incurred when claimant allegedly tripped on sidewalk at Walt Library. This claim is under review and is **pending**.

**Marlin Lockhart** filed a claim during the month of December, 2010, in the amount of \$354.14 for damage incurred to vehicle in parking lot at Walt Library when a handicapped parking sign allegedly blew over and struck claimant's vehicle. This claim is under review and is **pending**.

**Perry Vale** filed a claim during the month of January, 2011, in the amount of \$1,200.00 for damage allegedly incurred to his wheelchair while claimant was a passenger on a StarTran van. This claim is under review and is **pending**.

**Midwest Refuse** filed a claim during the month of February, 2011, in the amount of \$3,260.04 for damage allegedly incurred to truck equipment at the City Landfill. This claim is under review and is **pending**.

**Karen Davis** filed a claim during the month of February, 2011, in the amount of \$2,895.52 for damage allegedly incurred to vehicle when it struck a cement pillar in the parking lot at the Walt Library. This claim is under review and is **pending**.

**Cleaver-Brooks, Inc.** filed a claim during the month of March, 2011, in the amount of \$20,880.00 for damage allegedly incurred to parking lot as the result of a water main break. This claim is under review and is **pending**.

**Kevin L. Walker** filed a claim during the month of May, 2011, in an unspecified amount for vehicle sold at auction. Claimant alleges he was not properly notified of the release of the vehicle from Police Property prior to the auction. This claim is under review and is **pending**.

**Gordon Kyhn** filed a claim during the month of May, 2011, in the amount of \$1,000,000 for alleged injury incurred as the result of a trip and fall on sidewalk near Pershing Auditorium. This claim is under review and is **pending**.

**Elizabeth Thayer** filed a claim during the month of May, 2011, in the amount of \$548.56 for damage allegedly incurred to tire at a street construction site on Capitol Parkway. This claim is under review and is **pending**.

**Amy Rorebeck** filed a claim during the month of June, 2011, in an unspecified amount for alleged injury incurred when she was a passenger on a StarTran bus. This claim is under review and is **pending**.

**Robert Overkamp** filed a claim during the month of July, 2011, in an unspecified amount for damage allegedly incurred to toilet seats lids as the result of "blowback" which occurred during sewer main cleaning. This claim is under review and is **pending**.

**Lincoln Children's Museum** filed a claim during the month of July, 2011, in the amount of \$1,859.00 for water damage incurred to walls as the result of a hole that was allegedly created by L.E.S. personnel, which caused rain water to enter building. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

**Linda Weddington** filed a claim during the month of July, 2011, in an unspecified amount for alleged injury incurred as the result of fall on sidewalk. This claim is under review and is **pending**.

**Debra Sue Galindo** filed a claim during the month of October, 2011, in the amount of \$42,500 for alleged injury incurred when claimant fell on the lawn of Pershing Auditorium. This claim is under review and is **pending**.

**Minerva Martinez** filed a claim during the month of November, 2011, in the amount of \$50,000 for injury allegedly incurred to claimant's jaw when she had her wisdom teeth extracted by a dentist at the Health Department. This claim is under review and is **pending**.

**Gaye Richardson** filed a claim during the month of November, 2011, in the amount of \$10,000 for alleged injury incurred as the result of fall on StarTran bus. This claim is under review and is **pending**.

**Fred and Katharine Luthans** filed a claim during the month of November, 2011, in the amount of \$400.00 for alleged damage incurred to brick mailbox as the result of a water main break. This claim is under review and is **pending**.

**Manh Van Tran** filed a claim during the month of November, 2011, in the amount of \$6,252.00 for alleged damages incurred as the result of a sanitary sewer back-up. This claim is under review and is **pending**.

**Farmers Mutual of Nebraska (Evelyn and Gabriel Lucas, Insured)** filed a subrogation claim during the month of December, 2011, in the amount of \$3,572.69 for damage incurred to Insured's property as the result of an L.E.S. electrical box fire. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

**Don and Shirley Kringel** filed a claim during the month of December, 2011, in an unspecified amount for damages incurred as the result of a sanitary sewer back-up. This claim is under review and is **pending**.

**Christopher Wildman** filed a claim during the month of December, 2011, in the amount of \$50,000 for alleged damages incurred as the result of a motor vehicle accident involving a police vehicle. This claim is under review and is **pending**.

**Bob Stuart** filed a claim during the month of January, 2012, in an unspecified amount for damage allegedly incurred to television as the result of a power surge. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

**Candace Polfus, individually and on behalf of Robert M. Polfus**, filed a claim during the month of February, 2012, in the amount of \$50,000 for alleged injury incurred to Robert Polfus at a City swimming pool. This claim is under review and is **pending**.

**Southern Finance, Inc.** filed a claim during the month of February, 2012, in an unspecified amount for proceeds from sale of vehicle at police auction. This claim is under review and is **pending**.

**Robert Harding** filed a claim during the month of February, 2012, in the amount of \$2,206.00 for damage allegedly incurred to sewer line by L.E.S. personnel. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

**Farmers Insurance Group (Janette Kropatsch, Insured)** filed a subrogation claim during the month of February, 2012, in an unspecified amount for damage incurred to insured's vehicle as a result of an accident involving a City snowplow. **Jana Kropatsch** who was a passenger in the vehicle driven by Janette Kropatsch filed a claim in an unspecified amount for injury incurred as a result of the accident. These claims are under review and are **pending**.

**Thomas McGinn** filed a claim during the month of February, 2012, in the amount of \$303.00 for damage allegedly incurred to eyeglasses during the execution of a search warrant by Lincoln police. This claim is under review and is **pending**.

**Rey Cruz** filed a claim during the month of February, 2012, in the amount of \$1,164.93 for damage allegedly incurred to his property by Lincoln police officers who were pursuing the suspect of a hit and run accident. This claim is under review and is **pending**.

**Kelly Sneed** filed a claim during the month of February, 2012, in the amount of \$418.93 for damage allegedly incurred to vehicle as the result of a pothole. This claim is under review and is **pending**.

**Frederic L. Storm** filed a claim during the month of February, 2012, in the amount of \$103.00 for reimbursement of tow fee. This claim is under review and is **pending**.

**Shay and Angela Campbell** filed a claim during the month of March, 2012, in the amount of \$2,313.00 for damage incurred to property as the result of a fire that was allegedly caused by a malfunctioning L.E.S. electrical transformer box. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

**Michael Stoynev** filed a claim during the month of March, 2012, in an unspecified amount for damage incurred to mailbox when it was struck by a StarTran bus. This claim is under review and is **pending**.

**Jon Novak** filed a claim during the month of March, 2012, in an unspecified amount for damage incurred to vehicle when the top half of a wooden street light pole snapped in half and fell into the roadway in front of vehicle causing driver to swerve to the right and strike the bottom half of the light pole that was remaining in the ground. This claim is under review and is **pending**.

**Elva Lange** filed a claim during the month of March, 2012, in an unspecified for injury incurred when claimant was a passenger on a StarTran handivan that was involved in an accident. This claim is under review and is **pending**.

**Kara Strong** filed a claim during the month of March, 2012, in the amount of \$382.76 for damage allegedly incurred to vehicle as the result of a pothole. This claim is under review and is **pending**.

**Brent Littrell** filed a claim during the month of March, 2012, in the amount of \$120.35 for fish that died when electricity was off. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

**Marianne Mack** filed a claim during the month of March, 2012, the amount of \$115.00 for damage allegedly incurred to mailbox as the result of snow removal activity. This claim is under review and is **pending**.

**Douglas S. Minnick** filed a claim during the month of March, 2012, in the amount of \$144.00 for damage allegedly incurred to mailbox as the result of snow removal activity. This claim is under review and is **pending**.

**NEW CLAIMS FILED MARCH 16 THROUGH MARCH 31, 2012:**

**Shirley Knutson** filed a claim in the amount of \$75.00 for damage incurred to house as the result of a fallen tree limb. This claim is under review and is **pending**.

**Paul Enders** filed a claim in the amount of \$749.00 for damage allegedly incurred to his vehicle when Lincoln Fire and Rescue were called to his residence. This claim is under review and is **pending**.

**PENDING TORT LITIGATION:**

**Lycebeth Loy** filed a claim during the month of March, 2010, in the amount of \$1,000,000 for injury incurred when claimant was a passenger on a motorcycle that was involved in an accident. Claimant alleges that the accident occurred due to inadequate signage/markings and lighting at SW 4th and W. Amaranth. This claim was reviewed by this office and denial was approved by the City Council on June 7, 2010. Counsel for claimant filed suit in the Lancaster County District Court on July 27, 2010. Litigation is **pending**.

**Debra Daharsh, as parent and next friend of Garrett A. Daharsh** filed a claim in April, 2010, in the amount of \$270,224.09 for injury incurred to Garrett Deharsh on June 11, 2009, when he fell off of a merry-go-round at Irvingdale Park while attending a Parks and Recreation day camp at the Irvingdale Recreation Center. This claim was reviewed by this office and denial was approved by the Lincoln City Council on August 16, 2010. Counsel for claimant filed suit in the Lancaster County District Court on November 22, 2010. Litigation is **pending**.

**Dennis and Benita Cooper** filed a claim in February, 2010, in the amount of \$35,155.62 for damages incurred as the result of a sanitary sewer back-up. This claim was reviewed by this office and denial was approved by the Lincoln City Council on June 28, 2010. Counsel for claimant filed suit in the Lancaster County Court on January 31, 2011. Litigation is **pending**.

**Lailoma Ayubzai** filed a claim during the month of April, 2010, in the amount of \$1,000,000 for alleged damages incurred as the result of a motor vehicle accident. Claimant's vehicle was struck by a vehicle operated by an individual who was fleeing from police. This claim was withdrawn by counsel for claimant and suit was filed in the Lancaster County District Court on April 22, 2011. Litigation is **pending**.

**Amanda Wagner and Shane Alley** filed a claim during the month of September, 2010, in the amount of \$351,000 for damages allegedly incurred as the result of a water main break. This claim was withdrawn by counsel for claimants and suit was filed in the Lancaster County District Court on June 13, 2011. Litigation is **pending**.

**Corrina Muratella** filed a claim during the month of April, 2010, for alleged injury incurred as the result of an accident involving a StarTran bus. Council for claimant filed suit in Lancaster County Court. Litigation is **pending**.

Submitted by City Law Department  
c: Risk Management