

Exhibit "A"

November 1, 2010

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

RE: Report of Claims Against the City of Lincoln for October 15 through October 31, 2010

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 October 15 through October 31, 2010. This report will describe the claims and the dispositions or status of these claims.

DENIED CLAIMS:

Ted J. Herrick filed a claim during the month of October, 2010, in an unspecified amount for injury allegedly incurred as the result of slip and fall on sidewalk. This claim has been reviewed by this office and has been **denied**.

ALLOWED/SETTLED CLAIMS:

Elzina Lindsey filed a claim during the month of July, 2010, in the amount of \$494.78 for damage allegedly incurred to wheel as the result of a pothole. This claim has been reviewed by this office and has been **allowed** in the amount of \$494.78.

Dona and Gary Beard filed a claim during the month of August, 2010, in the amount of \$170.64 for damage incurred to tire as the result of an alleged defect in the curb. This claim has been reviewed by this office and has been **allowed** in the amount of \$170.64.

Progressive Insurance Company (Melissa Neville, Insured) filed a claim during the month of September, 2010, in amount of \$1,544.59 for damage incurred to insured's vehicle as the result of an accident involving a StarTran bus. This claim has been reviewed by this office and has been **allowed** in the amount of \$1,544.59.

Wymetha Williams filed a claim during the month of September, 2010, for damage to vehicle and injury incurred as the result of an accident involving a police vehicle. This claim has been **settled** by the Risk Management Office in the amount of \$4,400.

Brytten Sorgenfrei filed a claim during the month of October, 2010, in the amount of \$660.43 for damage allegedly incurred to vehicle when struck by a sign that blew over at the police garage. This claim has been reviewed by this office and has been **allowed** in the amount of \$660.43.

Benn Becker filed a claim during the month of October, 2010, in an unspecified amount for damage incurred to vehicle as the result of an accident involving a City vehicle. This claim has been **settled** by the Risk Management Office in the amount of \$25,000.

Farmers Mutual of Nebraska (Laura Schutte, Insured) filed a claim during the month of October, 2010, in the amount of \$4,134.94 for damage incurred to insured's vehicle when struck by a City vehicle. This claim has been **settled** by the Risk Management Office in the amount of \$4,134.94.

LITIGATION SETTLEMENT:

Laura Sheldon filed a claim during the month of April, 2008, in the amount of \$500,000 for alleged injury incurred as the result of fall in alley at 4750 Calvert. This claim was withdrawn by counsel for claimant on November 4, 2008, and suit was filed in the Lancaster County District Court on November 24, 2008. This case has been settled in the amount of \$37,500. The City's portion of the settlement is \$18,000 with the remainder of the settlement in the amount of \$19,500 to be paid by Kwik Shop Inc.

LITIGATION DISPOSITIONS:

Ricky E. Beenblossom filed a claim during the month of January, 2009, in the amount of \$25,000 for damages incurred as the result of alleged negligent actions by the Lincoln and Omaha police departments. Claimant filed suit against the City of Lincoln and the City of Omaha in the U.S. District Court. Suit was filed against the City of Lincoln in the Lancaster County District Court. **On August 25, 2010, the U.S. District Court action was dismissed with prejudice against the City of Lincoln and on September 16, 2010, the District Court case was dismissed for want of prosecution.**

Graylin Gray filed claims alleging that his rights had been violated when he was arrested. All claims were reviewed by this office and denial of these claims were approved by the City Council. Graylin Gray filed two suits in the Lancaster County District Court. **Both suits were dismissed by the District Court. Plaintiff appealed one case to the Court of Appeals which affirmed the District Court's dismissal. Plaintiff then filed a petition for further review by the Nebraska Supreme Court, which petition was denied on October 27, 2010. It is anticipated that Plaintiff will appeal the other District Court case which was dismissed on November 1, 2010.**

PENDING CLAIMS:

Betty Beecham filed a claim during the month of August, 2008, in an unspecified amount for injury incurred as the result of an accident involving a City-owned vehicle. **State Farm Insurance (Claim No. 27-7809-744)** filed a subrogation claim in the amount of \$28,290.00 for medical payments made on behalf of its insured, Betty Beecham, and the passengers in insured's vehicle, Alice Peterson and Bernadette Thiel. These claims are under review and are **pending**.

Alice Peterson filed a claim during the month of September, 2008, in an unspecified amount for injury incurred as the result of an accident involving a City-owned vehicle. This claim is under review and is **pending**.

Evey Lesoing filed a claim during the month of November, 2008, in the amount of \$5,045.90 for alleged injury incurred as the result of fall on sidewalk. **Blue Cross Blue Shield of Nebraska** filed notice of subrogation claim during the month of May, 2009, in the amount of \$15,754.59 for benefits paid on behalf of its insured as a result of insured's fall on sidewalk. These claims are under review and are **pending**.

Patrick Ronald Russell filed a claim during the month of April, 2009, in the amount of \$5,025,000.00 alleging the wrongful death of his brother, Earl C. Russell, by Lincoln Police. This claim is under review and is **pending**.

George and Carolene Skorohod filed a claim during the month of April, 2009, in the amount of \$6,040.75 for alleged damages incurred as the result of a sanitary sewer back-up. This claim is under review and is **pending**.

Connie M. Voss filed a claim during the month of May, 2009, in an unspecified amount for injury allegedly incurred when claimant tripped on sidewalk at Fleming ballfields. This claim is under review and is **pending**.

Debra and Darren Washington filed a claim during the month of August, 2009, in the amount of \$76,000.00 for alleged injuries incurred as the result of an incident involving a Lincoln police officer. This claim is under review and is **pending**.

HIP (Holroyd Investment Properties, Inc.) filed a claim during the month of September, 2009, in the amount of \$1,180.75 for damage allegedly incurred to sprinkler system during street construction. This claim is under review and is **pending**.

Beverly Ann Best filed a claim during the month of October, 2009, for alleged injury incurred as the result of an accident involving a Parks vehicle. Th claim is under review and is **pending**.

Althouse Ag, Inc./DDA Farms Inc. filed a claim during the month of January, 2010, in the amount of \$7,462.66 for alleged crop damages incurred as the result of construction of the Greenwood to Lincoln water transmission main project. This claim is under review and is **pending**.

Paul F. Warfield filed a claim during the month of January, 2010, in the approximate amount of \$35,000 for alleged damages incurred as the result of a sanitary sewer back-up. This claim is under review and is **pending**.

Kenneth Moody filed a claim during the month of February, 2010, in the amount of \$360,000 for alleged injury incurred when claimant was arrested by Lincoln police. This claim is under review and is **pending**.

Duane A. Jensen filed a claim during the month of February, 2010, in an unspecified amount for proceeds from sale of vehicle at police auction. This claim is under review and **pending**.

Cincinnati Insurance Co. (Neighborhoods, Inc. Insured; Curtis Hood, Claimant) filed a claim during the month of February, 2010, in an unspecified amount for injures incurred when Curtis Hood allegedly tripped and fell on property at 2240 Q Street. This claim is under review and is **pending**.

USAA (Jeremiah Barker, Insured) filed a claim during the month of March, 2010, in the amount of \$5,031.05 for alleged damage incurred to Insured's vehicle as the result of an accident involving a snowplow. This claim is under review and is **pending**.

Phillip Van Ness filed a claim during the month of March, 2010, in an unspecified amount for alleged injury incurred when claimant was a passenger on a StarTran bus that was involved in an accident. This claim is under review and is **pending**.

John Leonard and Darlene Rose Barnhill filed a claim during the month of March, 2010, in the amount of \$30,800 for alleged water damages incurred to basement of claimant's home at 6951 Benton which claimant alleges has occurred since the land east of claimant's property was developed in 1974-1975. This claim is under review and is **pending**.

Elliott Transport filed a claim during the month of March, 2010, in the amount of \$756.07 for damage allegedly incurred to vehicle during snow removal activity. This claim is under review and 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. The claim is under review and is **pending**.

Lailoma Ayubzai filed a claim during the month of April, 2010, in the amount of \$350,000 for alleged damages incurred as the result of a motor vehicle accident. Claimant's vehicle was struck by a vehicle operated a party who was fleeing from police. This claim is under review and is **pending**.

Richard Dondlinger filed a claim during the month of June, 2010, in the amount of \$348.05 for alleged damages incurred as the result of a sewer back-up. This claim is under review and is **pending**.

Michelle Yount filed a claim during the month of July, 2010, in the amount of \$16,000 for alleged injury incurred when claimant tripped and fell on sidewalk in front of Eiseley Library. This claim is under review and is **pending**.

James Lam filed a claim during the month of July, 2010, in the amount of \$363.54 for damages allegedly incurred to vehicle when struck by a fallen tree branch. This claim is under review and is **pending**.

April Leach-Sanna and Anthony Sanna filed a claim during the month of August, 2010, in the amount of \$35,000 for alleged damages incurred as the result of a motor vehicle accident involving a Public Works vehicle. This claim is under review and is **pending**.

Tyrone Hall filed a claim during the month of August, 2010, in the amount of \$25,000 for alleged damages incurred when claimant was arrested by Nebraska State Patrol and Lincoln Police. This claim is under review and 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 is under review and is **pending**.

Connie Johnson filed a claim during the month of September, 2010, in an unspecified amount for injury allegedly incurred as the result of a trip and fall on sidewalk. This claim is under review and is **pending**.

Donna and Bart Benjamin filed a claim during the month of September, 2010, in the amount of \$6,944.22 for alleged damage incurred as the result of a sewer back-up. This claim is under review and is **pending**.

Shari Brewer filed a claim during the month of September, 2010, in the amount of \$383.08 for damage allegedly incurred to tire and rim as the result of debris on street at a construction site. This claim is under review and is **pending**.

Houghton Furr Jr. filed a claim during the month of September, 2010, in the amount of \$487.48 for damage allegedly incurred to tires at road construction site on Capital Parkway. This claim is under review and is **pending**.

Elizabeth Cooper filed a claim during the month of September, 2010, in the amount of \$55.00 for damage allegedly incurred to door when Lincoln police responded to a call to check welfare of claimant. This claim is under review and is **pending**.

Susan Lorenz filed a claim during the month of September, 2010, in the amount of \$73.00 for reimbursement of parking fine and tow fee. This claim is under review and is **pending**.

Hagerty Agency LLC (Lawyer Lawson, Insured) filed a subrogation claim during the month of September, 2010, in the amount of \$2,373.71 for damage allegedly incurred to insured's vehicle as the result of a pothole. This claim is under review and is **pending**.

Tim and Geri Shipley filed a claim during the month of September, 2010, in the amount of \$574.81 for damage incurred to vehicle when allegedly struck by a mower while parked in City parking lot at 27th and F Street. This claim is under review and is **pending**.

Jamie Dorn filed a claim during the month of September, 2010, in the amount of \$53.00 for reimbursement of tow fee. This claim is under review and is **pending**.

Robert S. DeFrain filed a claim during the month of September, 2010, in the amount of \$530.71 for damage incurred to bicycle when it was struck by a StarTran bus. This claim is under review and is **pending**.

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**.

Both T. Jany filed a claim during the month of October, 2010, in an unspecified amount for damage allegedly incurred to vehicle when it struck a tree that had fallen in the street. This claim is under review and is **pending**.

Clorissa Lee filed a claim during the month of October, 2010, in the amount of \$4,435.00 for damage allegedly incurred to vehicle as the result of a fallen tree limb. This claim is under review and is **pending**.

Barbara Palinkas filed a claim during the month of October, 2010, in the amount of \$6,504.78 for injury allegedly incurred as the result of fall on sidewalk. This claim is under review and is **pending**.

Jim Dalton filed a claim during the month of October, 2010, in the amount of \$1,095.54 for damage incurred to vehicle when struck by a StarTran bus. This claim is under review and is **pending**.

Eric Sitzman filed a claim during the month of October, 2010, in the amount of \$1,190.54 for damage incurred to vehicle when struck by a City vehicle. This claim is under review and is **pending**.

Kristie Iverson filed a claim during the month of October, 2010, in the amount of \$2,756.86 for damage incurred to vehicle as the result of an accident involving a City bus. This claim is under review and is **pending**.

Kelly Welton filed a claim during the month of October, 2010, in the amount of \$4,070.73 for damage allegedly incurred to vehicle when a deer was struck by a police vehicle and then landed on the hood of claimant's vehicle. This claim is under review and is **pending**.

Brian Novacek filed a claim during the month of October, 2010, in the amount of \$53.00 for reimbursement of tow fee. 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**.

Joel D. Heusinger filed a claim during the month of October, 2010, in the amount of \$3,995.89 for damage allegedly incurred to vehicles while parked at Cornhusker Place parking garage. This claim is under review and is **pending**.

Dan Cloeter filed a claim during the month of October, 2010, in the amount of \$718.00 for injury and damage to glasses incurred when claimant fell off his bicycle allegedly as the result of accumulation of water and algae on street. This claim is under review and is **pending**.

William Smisek filed a claim during the month of October, 2010, in the amount of \$250,000 for injuries incurred as the result of a motorcycle accident on Highway 34. Claimant alleges he lost control of his motorcycle due to a defect in the roadway. This claim is under review and is **pending**.

Todd S. Morley filed a claim during the month of October, 2010, in an unspecified amount for damages incurred as the result of an accident involving a Lincoln Fire and Rescue ambulance. This claim is under review and is **pending**.

PENDING TORT LITIGATION:

Allstate Insurance Co. filed suit in the Lancaster County Court for damage incurred to insured's vehicle as the result of a motor vehicle accident involving a Lincoln police vehicle. Allstate's insured is Perian Patillo who filed a claim during the month of May, 2009, which claim was reviewed by this office and denial of this claim was approved by the City Council on June 15, 2009. Litigation is **pending**.

Bernadette Thiel filed a claim during the month of September, 2008, in an unspecified amount for injury incurred as the result of an accident involving a City-owned vehicle. This claim was withdrawn by counsel for claimant on March 23, 2010, and suit was filed in the Lancaster County District Court on March 24, 2010. Litigation is **pending**.

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.

Submitted by City Law Department

c: Risk Management