

Exhibit "A"

July 18, 2016

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

RE: Report of Claims Against the City of Lincoln for July 1 through July 15, 2016

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 July 1 through July 15, 2016. This report will describe the claims and the dispositions or status of these claims.

DENIED CLAIMS:

David Harrison filed a claim during the month of May, 2016, in an unspecified amount for damage allegedly incurred to motorcycle as the result of fallen tree limb. This claim has been reviewed by this office and has been **denied**.

Steve and Barbie Wells filed a claim during the month of May, 2016, in the amount of \$8,217.00 for damage allegedly incurred as the result of sewer backup on May 9, 2016. This claim has been reviewed by this office and has been **denied**.

James and Margaret McFarland filed a claim during the month of May, 2016, in the amount of \$643.75 for damage allegedly incurred as the result of sewer backup on May 9, 2016. This claim has been reviewed by this office and has been **denied**.

Kirk Botts filed a claim during the month of June, 2016, in the amount of \$11,500,000.00 alleging his civil rights were violated when he was arrested. This claim has been reviewed by this office and has been **denied**.

Sandra and William Harder filed a claim during the month of June, 2016, in the amount of \$10,280.76 for damage incurred to two properties as the result of sewer back-up on May 9, 2016. This claim has been reviewed by this office and has been **denied**.

Mark Smith filed a claim during the month of June, 2016, in the amount of \$6,869.46 for damage allegedly incurred to vehicle when it was struck by a vehicle operated by a party who had been fleeing arrest. This claim has been reviewed by this office and has been **denied**.

James Kintzle filed a claim during the month of July, 2016, in the amount of \$166.81 for damage incurred to door as the result of emergency action by Lincoln Police and Lincoln Fire and Rescue personnel. This claim has been reviewed by this office and has been **denied**.

Michael Hart filed a claim during the month of July, 2016, in the amount of \$830.93 for damage incurred to vehicle when it was struck by a StarTran bus. This claim has been reviewed by this office and has been **denied**.

ALLOWED/SETTLED CLAIMS:

Deborah Jones filed a claim during the month of June, 2016, in the amount of \$232.53 for damage incurred to windshield when struck by gravel that fell from Public Works Maintenance truck. This claim has been reviewed by this office and has been **allowed** in the amount of \$232.53.

DISPOSITIONS OF L.E.S. CLAIMS:

Colliers International filed a claim during the month of July, 2015, in the amount of \$5,912.95 for damage incurred to water line by L.E.S. subcontractor. This claim was referred to L.E.S. subcontractor's insurer and claim against L.E.S. has been **denied**.

Phoenix Loss Control on behalf of Time Warner filed a claim during the month of February, 2016, in the amount of \$1,229.70 for damage incurred to underground cable by L.E.S. contractor. This claim was referred to L.E.S. contractor and claim against L.E.S. has been **denied**.

Randy Borg filed a claim during the month of February, 2016, in the amount of \$1,400.00 for damage allegedly incurred to driveway by L.E.S. contractor. This claim has been **denied**.

Phoenix Loss Control on behalf of Time Warner filed a claim during the month of February, 2016, in the amount of \$438.75 for damage incurred to underground cable by L.E.S. This claim has been **allowed** in the amount of \$438.75.

European Auto Tech filed a claim during the month of February, 2016, in the amount of \$96.47 for cleaning expense incurred as the result of L.E.S. employee tracking mud on carpet. This claim has been **allowed** in the amount of \$96.47.

Dr. Alex Kallio (Comfort Family Chiropractic) filed a claim during the month of March, 2016, in the amount of \$2,087.64 for damage allegedly incurred to computer system as the result of interruption in electrical service when ground cable was struck by L.E.S. This claim has been **denied**.

Phoenix Loss Control on behalf of Time Warner filed a claim during the month of March, 2016, in the amount of \$438.75 for damage incurred to Time Warner equipment when it was struck by an L.E.S. vehicle. This claim has been **allowed** in the amount of \$438.75.

Michael Meyer filed a claim during the month of March, 2016, in the amount of \$389.26 for damage incurred to fence by L.E.S. This claim has been **allowed** in the amount of \$389.26.

Phoenix Loss Control on behalf of Time Warner filed a claim during the month of April, 2016, in the amount of \$455.00 for damage incurred to cable when L.E.S. was allegedly installing a pole. This claim has been **denied**.

Phoenix Loss Control on behalf of Time Warner filed a claim during the month of April, 2016, in the amount of \$438.75 for damage allegedly incurred to cable by L.E.S. contractor. This claim was referred to L.E.S. contractor and claim against L.E.S. has been **denied**.

PENDING CLAIMS:

KI and Elizabeth Dayalu filed a claim during the month of July, 2014, in an unspecified amount for damage incurred to mailbox when it was allegedly struck by a street sweeper. This claim is under review and is **pending**.

Arbor Day Foundation filed a claim during the month of August, 2014, in the amount of \$4,594.52 for damage allegedly incurred as the result of water main break that occurred during P Street construction. This claim is under review and is **pending**.

United Fire & Casualty Company as subrogee of Bouwens Plumbing filed a claim during the month of August, 2014, in an unspecified amount for damage allegedly incurred to property owned by C Street LLC when water shut off valves installed by Bouwens Plumbing and supplied by Lincoln Water System malfunctioned causing water damage. **C Street LLC** filed a claim during the month of February, 2015, in the amount of \$12,630.90 for damage allegedly incurred to the property. This claim is under review and is **pending**.

Lynda S. King filed a claim during the month of September, 2014, in an unspecified amount for alleged injury incurred while claimant was a passenger on a StarTran bus. This claim is under review and is **pending**.

Olga Alfonso filed a claim during the month of December, 2014, in the amount of \$573.98 for cell phone that was allegedly misplaced by a Lincoln police officer. This claim is under review and is **pending**.

Brett Smith filed a claim during the month of February, 2015, in an unspecified amount for damages incurred as the result of accident involving a StarTran bus. This claim is under review and is **pending**.

Dorothy Oreskovich filed a claim in the amount of \$10,455.00 for damage allegedly incurred as the result of sewer backup on May 7, 2015. This claim is under review and is **pending**.

Minarick Investments LLC filed a claim during the month of June, 2015, in the amount of \$430.90 for damage allegedly incurred as the result of sewer backup on May 7, 2015. This claim is under review and is **pending**.

Emily Kline filed a claim during the month of August, 2015, in an unspecified amount for alleged injury incurred as the result of trip on sidewalk. This claim is under review and is **pending**.

Antonio Tyrone Williams filed a claim during the month of September, 2015, seeking compensation in the amount of \$10,800 for alleged loss of employment and wages and mental anguish as the result of his arrest and incarceration. This claim is under review and is **pending**.

Brenda Bolejack filed a claim during the month of January, 2016, in an unspecified amount for damage allegedly incurred as the result of interruption of electrical service. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

Farmers Mutual of Nebraska as subrogee of Ward Hoppe LLC filed a claim during the month of February, 2016, in the amount of \$9,693.56 for damage incurred to insured's property when it was struck by a vehicle operated by an individual who was fleeing arrest. This claim is under review and is **pending**.

Autumn Wood Homeowners Association filed a claim during the month of March, 2016, in the amount of \$2,500.00 for damage allegedly incurred to sidewalk as the result of fire truck driving over it. This claim is under review and is **pending**.

Ronald Morrison filed a claim during the month of March, 2016, in the amount of \$900.00 for damage allegedly incurred to sidewalk as the result of fire truck driving over it. This claim is under review and is **pending**.

Glenda Masek filed a claim during the month of March, 2016, in the amount of \$1,475.00 for damage allegedly incurred to sidewalk, sod and sprinklers as the result of fire truck driving over sidewalk and lawn. This claim is under review and is **pending**.

Mike Morosin filed a claim during the month of March, 2016, in the amount of \$31,275.00 for personal property removed from claimant's property by the City. This claim is under review and is **pending**.

Alexis Springer filed a claim during the month of April, 2016, in an unspecified amount for damage allegedly incurred as the result of pothole. This claim is under review and is **pending**.

Barine Deeza filed a claim during the month of April, 2016, in the amount of \$1,000,000 for alleged injuries incurred when claimant was arrested. This claim is under review and is **pending**.

Phoenix Loss Control on behalf of Time Warner filed a claim during the month of May, 2016, in the amount of \$1,844.57 for damage allegedly incurred to cable by L.E.S. contractor. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

Terry Danek filed a claim during the month of May, 2016, in the amount of \$28,310.35 for damage allegedly incurred as the result of sewer backup on May 7, 2015. This claim is under review and is **pending**.

Phoenix Loss Control on behalf of Time Warner filed a claim during the month of May, 2016, in the amount of \$438.75 for damage allegedly incurred to cable by L.E.S. crew. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

Two Men and a Truck filed a claim during the month of June, 2016 in the amount of \$8,893.09 for damage allegedly incurred to truck when it struck a tree branch. This claim is under review and is **pending**.

NEW CLAIMS FILED DURING THE PERIOD OF JULY 1 THROUGH JULY 15, 2016:

Cynthia and William Carter filed a claim in the amount of \$8,853.71 for damage incurred to two vehicles when a Forestry truck's lift bucket struck a low-hanging L.E.S. wire causing the pole connected to the wire to fall on vehicles. This claim is under review and is **pending**.

Chris Franson and Katrina Ommert filed a claim in the amount of \$992.10 for damage incurred to vehicle as the result of accident involving a StarTran bus. This claim is under review and is **pending**.

Heather Ross filed a claim in the amount of \$1,000,000 for alleged injury incurred when claimant slipped and fell while entering the pool at Star City Shores. This claim is under review and is **pending**.

PENDING TORT LITIGATION:

Candace Polfus, individually and on behalf of her minor child, Robert M. Polfus, filed a claim in February, 2012, in the amount of \$50,000 for alleged injury incurred to Robert Polfus at Uni Pool. This claim was reviewed by this office and denial was approved by the Lincoln City Council on July 30, 2012. Suit has been filed in the Lancaster County Court and litigation is **pending**.

Leroy Duffie filed a claim during the month of August, 2012, in the amount of \$200,000 alleging that he was injured during an incident involving Lincoln police. This claim was withdrawn and suit was filed in Lancaster County District Court. The case was transferred to the U.S. District Court and on June 3, 2015, the Court granted summary judgment in favor of the City and Lincoln police officers. Plaintiff has appealed to the U.S. Court of Appeals. Litigation is **pending**.

Ben and Leigh Lewis on behalf of Nathan Lewis filed a claim during the month of October, 2012, in the amount of \$220,000 for injury incurred when Nathan Lewis was riding his bicycle on railroad bridge at Wilderness Park and the wheel of his bicycle got caught between two railroad ties causing him to fall. This claim was reviewed by this office and denial was approved by the Lincoln City Council on February 25, 2013. Suit has been filed in the Lancaster County District Court and litigation is **pending**.

Dawn Amory filed a claim during the month of November, 2012, in the amount of \$250,000 for alleged injury incurred as the result of trip and fall on sidewalk. This claim was reviewed by this office and denial was approved by the Lincoln City Council on December 17, 2012. Suit was filed in Lancaster County District Court. On August 13, 2015, the District Court granted summary judgment in favor of the City of Lincoln. Plaintiff has appealed to the Nebraska Court of Appeals. Litigation is **pending**.

Nicole Ulm filed a claim during the month of April, 2013, in the amount of \$200,000 for alleged damages incurred as the result of an accident involving a vehicle that was being operated by an individual who was fleeing from Police. This claim was withdrawn and suit has been filed in the Lancaster County District Court. Litigation is **pending**.

John Crow filed a claim during the month of October, 2012, in the amount of \$200,000 alleging that he was misclassified as an independent contractor and wrongfully terminated from his position as the PGA Professional for the Holmes Golf Course. This claim was reviewed by this office and denial was approved by the Lincoln City Council on November 19, 2012. Suit was filed in the Lancaster County District Court. On October 19, 2015, the District Court granted dismissal in favor of the City of Lincoln. Plaintiff has appealed to the Nebraska Court of Appeals. Litigation is **pending**.

Elisa O'Dell and John O'Dell filed a claim during the month of April, 2014, in an unspecified amount for damages incurred as the result of a motor vehicle accident which claimant alleges was caused by malfunctioning traffic signal lights. This claim was reviewed by this office and denial was approved by the Lincoln City Council on April 28, 2014. Suit has been filed in Lancaster County District Court and litigation is **pending**.

Shayla Funk filed a claim during the month of March, 2014, in the amount of \$1,200,000 alleging she was falsely arrested and suffered humiliation, inconvenience, mental anguish, loss of wages and earning capacity and damage to her reputation as the result of photographs posted of her on the "Crime Stoppers" website. Suit was filed in the Lancaster County District Court and judgment was found in favor of Plaintiff Shayla Funk. The City of Lincoln has filed an appeal to the Nebraska Court of Appeals. Litigation is **pending**.

Michael Bradstreet filed a claim during the month of April, 2014, in the amount of \$1,000,000 alleging damages incurred as the result of accident involving a fire truck. This claim was reviewed by this office and denial was approved by the Lincoln City Council on May 12, 2014. Suit has been filed in Lancaster County District Court and litigation is **pending**.

Luevonne Murrell filed a claim during the month of March, 2015, in an unspecified amount for alleged injury incurred when vehicle that claimant was a passenger in was struck by a City police vehicle. Suit has been filed in the Lancaster County District Court and litigation is **pending**.

Kejjan Hesso filed a claim during the month of September, 2014, in the amount of \$100,000.00 for alleged injury incurred as the result of accident involving a StarTran bus. This claim was withdrawn and suit has been filed in the Lancaster County District Court. Litigation is **pending**.

Nationwide Insurance as subrogee of Donald Flamme filed a claim during the month of June, 2014, for damage incurred to insured's vehicle and medical benefits paid as the result of accident involving a police vehicle. This claim was reviewed by this office and denial was approved by the Lincoln City Council on November 24, 2014. Suit has been filed in the Lancaster County Court and litigation is **pending**.

David E. Tarrence and Tamara K. Geis filed a claim during the month of April, 2015, in the amount of \$2,700,000 for alleged damages resulting from the search of claimants' home and vehicles by Lincoln police. Suit has been filed in U.S. District Court and litigation is **pending**.

Submitted by City Law Department
c: Risk Management