

## Exhibit "A"

December 2, 2013

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

RE: Report of Claims Against the City of Lincoln for November 16 through November 31, 2013

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 November 16 through November 31, 2013. This report will describe the claims and the dispositions or status of these claims.

### **DENIED CLAIMS:**

**Jennifer Tomka on behalf of Samuel Tomka** filed a claim during the month of June, 2013, in the amount of \$4,329.28 for injury incurred to Samuel Tomka due to alleged defective ramp at Tierra Skatepark. This claim has been reviewed by this office and has been **denied**.

**Maurice Moore** filed a claim during the month of October, 2013, in an unspecified amount alleging he was falsely arrested. Claimant is seeking monetary compensation for 17 days in jail. This claim has been reviewed by this office and has been **denied**.

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

**Connie Chamberlain** filed a claim during the month of November, 2013, in the amount of \$1,017.97 for damage incurred to vehicle when it was struck by a fire truck. This claim has been **settled** by the Risk Management Office in the amount of \$1,017.97.

**Emily Schneider** filed a claim during the month of November, 2013, in the amount of \$3,753.67 for damage incurred to vehicle when it was struck by a StarTran bus. This claim has been **settled** by the Risk Management Office in the amount of \$3,335.94.

### **LITIGATION SETTLEMENTS:**

**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 This claim was withdrawn and claimant filed suit against the City of Lincoln and SMG, the managing company of Pershing Auditorium. This claim was settled in the total amount of \$95,000, with SMG paying \$49,000 and the City of Lincoln paying \$46,000 of the settlement.

**Gale and Bernice Sup** filed a claim during the month of July, 2012, in the amount of \$198,000 for alleged damages incurred as the result of a water main break. This claim was withdrawn and claimants filed suit in the Lancaster County District Court. This case has been **settled** in the amount of \$1,000.

**The Hitchin' Post of Lincoln, Inc.** filed a claim during the month of July, 2012, in the amount of \$317,943.51 for alleged damages incurred as the result of a water main break. This claim was withdrawn and claimant filed suit in the Lancaster County District Court. This case has been **settled** in the amount of \$149,000.

**PENDING CLAIMS:**

**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**.

**Elva Lange** filed a claim during the month of March, 2012, in the amount of \$285,000 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**.

**John and Paula M. Sharkey** filed a claim during the month of April, 2012, in the amount of \$1,000,000 for injury incurred as the result of an accident involving a StarTran bus. This claim is under review and is **pending**.

**Raymond Strozier** filed a claim during the month of May, 2012, 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**.

**Rebekah Clark** filed a claim during the month of May, 2012, in an unspecified amount for alleged injury incurred when claimant was a passenger on a StarTran bus. This claim is under review and is **pending**.

**Leonard Hill** filed a claim during the month of June, 2012, in the amount of \$2,178.23 for expenses incurred for repair of water service which claimant alleges was caused by storm sewer installation and subsequent improper repair of water service. This claim is under review and is **pending**.

**Sharon Joyce** filed a claim during the month of July, 2012, in an unspecified amount for injury incurred when claimant allegedly fell due to a hole in grass near street. This claim is under review and is **pending**.

**Priestcellius R. Brown Jr.** filed a claim during the month of July, 2012, in the amount of \$25,000 for alleged injury incurred as the result of an accident involving police vehicles. **Priestcellius Brown Sr.** filed a separate claim for medical expenses incurred for his son arising from the accident. These claims are under review and **pending**.

**Christopher Hepburn** filed a claim during the month of August, 2012, in the amount of \$200,000 for injury incurred when claimant lost control of his bicycle due to alleged unsafe condition of bike trail. This claim is under review and is **pending**.

**Cynthia Gustafson** filed a claim during the month of November, 2012, in the amount of \$17,000 for alleged injury incurred while claimant was a passenger on a StarTran bus. This claim is under review and is **pending**.

**Gallagher Bassett Services as subrogee of United Parcel Service** filed a subrogation claim during the month of February, 2013, in an unspecified amount for workers compensation benefits paid on behalf of John Sharkey who was injured as the result of a motor vehicle accident involving a StarTran handi-van. Mr. Sharkey was operating a UPS truck when it was rear-ended by the StarTran handivan. This claim is under review and is **pending**.

**State Farm Insurance as subrogee of Floyd Brown** filed a subrogation claim during the month of February, 2013, in an unspecified amount for medical benefits paid as the result of an accident involving a StarTran bus. This claim is under review and is **pending**.

**Blanca Rincon-Flores** filed a claim during the month of March, 2013, in an unspecified amount for damages allegedly incurred as the result of accident involving a snowplow. This claim is under review and is **pending**.

**Rafael Moreno** filed a claim during the month of March, 2013, in the amount of \$10,000 for damages allegedly incurred as the result of accident involving a snowplow. This claim is under review and is **pending**.

**Matthew Thomas** filed a claim during the month of March, 2013, in an unspecified amount for damages incurred as the result of accident involving a Public Works vehicle. This claim is under review and is **pending**.

**Stephanie Bussinger** filed a claim during the month of March, 2013, in an unspecified amount for alleged injury incurred as the result of accident involving a Public Works vehicle. This claim is under review and 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 is under review and is **pending**.

**Robert T. Murray** filed a claim during the month of April, 2013, in an unspecified amount for alleged damage incurred to sod/groundcover by L.E.S. equipment. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

**Dixie Koch** filed a claim during the month of April, 2013, in an unspecified amount for injury allegedly incurred when she tripped on a sign that was lying on sidewalk. This claim is under review and is **pending**.

**Leslie Barry** filed a claim during the month of April, 2013, in the amount of \$200,000 for alleged damages incurred as the result of claimant's arrest. This claim is under review and is **pending**.

**Titus DeBoer** filed a claim during the month of April, 2013, in an unspecified amount for damage allegedly incurred to tire as the result of a pothole. This claim is under review and is **pending**.

**William Siedhoff** filed a claim during the month of April, 2013, in the amount of \$31,000.00 for trees that were removed by L.E.S. personnel. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

**Carla Porter** filed a claim during the month of May, 2013, in the amount of \$624.22 for damage allegedly incurred to vehicle by an L.E.S. contractor. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

**Dean and Lynda O'Connell** filed a claim during the month of May, 2013, in the amount of \$513.60 for damage allegedly incurred to sod and sprinkler by City Water personnel. This claim is under review and is **pending**.

**Rich Hubka** filed a claim during the month of May, 2013, in the amount of \$75.00 for damage allegedly incurred to gate by L.E.S. personnel. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

**Bailard Investments LLC/Shamrock Mobile Home Park** filed a claim during the month of June, 2013, in an unspecified amount for damage allegedly incurred to sewer line during installation of light pole by L.E.S. personnel. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

**Carla Brassell** filed a claim during the month of July, 2013, in the amount of \$25,000 for injury allegedly incurred when claimant fell on ice outside the Lincoln Children's Museum. This claim is under review and is **pending**.

**Phoenix Loss Control on behalf of Time Warner** filed a claim during the month of July, 2013, in the amount of \$438.75 for damage allegedly incurred to cable during excavation for power lines. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

**Jeffrey L. Kirkland** filed a claim during the month of July, 2013, in the amount of \$1,966.21 for medical billings incurred when claimant was taken to hospital by Lincoln police. This claim is under review and is **pending**.

**Thomas Day** filed a claim during the month of July, 2013, in the amount of \$320.00 for alleged loss of property when L.E.S. contractor was cutting trees for power lines. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

**Jessica Ashby and Randy Pavey** filed a claim during the month of August, 2013, in the amount of \$200.00 for alleged loss of food due to electrical power being shut off. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

**Ernie's Service** filed a claim during the month of August, 2013, in the amount of \$2,869.44 for damage allegedly incurred to carwash when power lines were switched by L.E.S. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

**Tammy Dils (Chism)** filed a claim during the month of August, 2013, in the amount of \$144.00 for alleged loss of food due to electrical power being shut off. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

**Robert Haberman** filed a claim during the month of August, 2013, in the amount of \$220.16 for alleged damage incurred to air conditioner due to power surge. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

**Lancaster Event Center** filed a claim during the month of August, 2013, in the amount of \$2,893.59 for alleged damage incurred due to power surge. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

**Luke Luxford** filed a claim during the month of August, 2013, in the amount of \$537.38 for damage allegedly incurred to sprinkler system during installation of underground electrical line. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

**Kathryn Justman and Lori Justman** filed a claim during the month of August, 2013, in the amount of \$577.71 for damage allegedly incurred to windshield when it was struck by transformer that exploded. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

**Melissa and Chuck Robinson** filed a claim during the month of August, 2013, in the amount of \$7,061.93 for damage allegedly incurred as the result of water main break. This claim is under review and is **pending**.

**Levonne Salisbury** filed a claim during the month of September, 2013, in the amount of \$694.96 for expense incurred to repair electrical service after L.E.S. transformer was struck by lightning. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

**Phoenix Loss Control on behalf of Time Warner** filed a claim during the month of September, 2013, in the amount of \$202.25 for damage incurred to property at 6517 Ballard Avenue by L.E.S. personnel. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

**Union Bank & Trust Company** filed a claim during the month of September, 2013, in the amount of \$1,713.27 for damage allegedly incurred to sign when L.E.S. was repairing transformer at nearby apartment complex at 20th & Highway 2. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

**FARA Insurance Services, Third Party Administrator for State of Nebraska/State Fire Marshal** filed a subrogation claim during the month of October, 2013, in an unspecified amount for workers compensation benefits paid on behalf of Kaylan Lovgren who was allegedly injured when she tripped and fell on sidewalk. This claim is under review and is **pending**.

**Phoenix Loss Control on behalf of Time Warner** filed a claim during the month of October, 2013, in the amount of \$1,743.27 for damage allegedly incurred to underground cable. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

**Denise Murtaugh** filed a claim during the month of October, 2013, in the amount of \$250.00 for loss of refrigerated food that occurred when claimant's electricity was off for several days. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

**Glimmer Projects LLC** filed a claim during the month of October, 2013, in the amount of \$6,200.00 for damage incurred to surge protectors when L.E.S. turned power on after it had been turned off to replace pole. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

**Dale and Janice Hogan** filed a claim during the month of October, 2013, in an unspecified amount for damage incurred to roof of shed when tree limb fell on shed while L.E.S. was trimming tree. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

**Duncan Aviation** filed a claim during the month of November, 2013, in the amount of \$3,704.73 for damage incurred to equipment as the result of a power surge. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

**Larry Day** filed a claim during the month of November, 2013, in an unspecified amount for damage incurred to a tree during installation of underground electrical utility. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

**Joy Allen** filed a claim during the month of November, 2013, in an unspecified amount for damage incurred to vehicle while parked at Center Park Garage. This claim is under review and is **pending**.

**Phoenix Loss Control/Time Warner** filed a claim during the month of November, 2013, in the amount of \$438.75 for cable damaged during excavation. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

**Erika Hull** filed a claim during the month of November, 2013, in the amount of \$1,462.00 for the alleged loss of her purse and contents of purse due to police officer's negligence. This claim is under review and is **pending**.

**Terry Cheney** filed a claim during the month of November, 2013, in an unspecified amount for damage allegedly incurred to sidewalk as the result of excavation and installation of underground cable by L.E.S. personnel. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

**Cody Pfeiffer** filed a claim during the month of November, 2013, in the amount of \$98.08 for reimbursement of tow fee. This claim is under review and is **pending**.

**Betty L. Sutko** filed a claim in the amount of \$201.10 for damage allegedly incurred to a tire as the result of broken curb in the street. This claim is under review and is **pending**.

**William G. Bauer** filed in claim during the month of November, 2013, in the amount of \$5,191.79 for damage allegedly incurred as the result of a power surge. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

**Renee Aupperle** filed a claim during the month of November, 2013, in the amount of \$298.03 for damage incurred to mailbox when a snowplow backed into it. This claim is under review and is **pending**.

**Travis Hoveling** filed a claim during the month of November, 2013, in an unspecified amount for damages incurred as the result of an accident that occurred in the roundabout at 14th and Superior. Claimant alleges that the accident was proximately caused by the negligent development, construction, improvements, regulations and operation of the roundabout by the City. This claim is under review and is **pending**.

**NEW CLAIMS FILED NOVEMBER 16 THROUGH NOVEMBER 30, 2013:**

**Christopher Lawhead** filed a claim in an unspecified amount for damage incurred as the result of accident involving a Park vehicle. This claim is under review and is **pending**.

**Phoenix Loss Control on behalf of Time Warner Cable** filed a claim in the amount of \$1,255.72 for damage allegedly incurred to underground cable during road construction. This claim is under review and is **pending**.

**Melanie Holtan** filed a claim in the amount of \$600.00 for damage incurred to vehicle as the result of a pothole. This claim is under review and is **pending**.

**Phoenix Loss Control on behalf of Time Warner Cable** filed a claim in the amount of \$4,963.43 for damage incurred to cable during curb repair. This claim is under review and is **pending**.

**PENDING TORT LITIGATION:**

**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 and suit was filed in the Lancaster County District Court on April 22, 2011. Litigation is **pending**.

**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 on July 6, 2011. This claim was reviewed by this office and denial was approved by the Lincoln City Council on July 30, 2012. Suit was filed in the Lancaster County Court on September 10, 2012. Litigation is **pending**.

**Arok Atem** filed a claim during the month of March, 2012, in the amount of \$1,000,000 for injury allegedly incurred when claimant was arrested and transported to the Lancaster County Jail on April 29, 2011. This claim was withdrawn and suit was filed in the Lancaster County District Court on December 11, 2012. The case has been transferred to the U.S. District Court. Litigation is **pending**.

**Clinton Brooks** filed a claim during the month of August, 2012, in an unspecified amount alleging that a Lincoln police officer did not cite an individual who allegedly pushed him. This claim was reviewed by this office and denial was approved by the Lincoln City Council on August 27, 2012. Suit was filed in the Lancaster County District Court. 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 the Lancaster County District Court. 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 was filed in the Lancaster County District Court. Litigation is **pending**.

**Angela Schmohr** filed a claim during the month of July, 2012, in the amount of \$175,000 for alleged injury incurred as the result of accident involving a police vehicle. Suit was filed in the Lancaster County District Court. Litigation is **pending**.

**State Farm Insurance as subrogee of Insured, David Tarrence** filed a claim during the month of October, 2012, in the amount of \$17,615.65 for damage incurred to Insured's truck when it collided with an alleged low hanging tree limb. This claim was reviewed by this office and denial was approved by the Lincoln City Council on February 25, 2013. Suit was filed in the Lancaster County District Court. Litigation is **pending**.

**Nationwide Insurance Co. as subrogee of Insured, James and Marti Harris** filed a claim during the month of April, 1 2013, in the amount of \$9,799.42 for damage incurred to Insured's vehicle 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 June 17, 2013. Suite was filed in Lancaster County Court. Litigation is **pending**.

Submitted by City Law Department  
c: Risk Management