

## Exhibit "A"

January 16, 2014

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

RE: Report of Claims Against the City of Lincoln for January 1 through January 15, 2014

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 January 1 through January 15, 2014. This report will describe the claims and the dispositions or status of these claims.

### **DENIED CLAIMS:**

**Debra Prester and Steven Prester** filed a claim during the month of December, 2013, in the amount of \$2,000,000 for injury allegedly incurred to Debra Prester as the result of trip and fall on sidewalk. Steven Prester is claiming loss of consortium. This claim has been reviewed by this office and has been **denied**.

**Pennie Marshall** filed a claim during the month of January, 2014, in the amount of \$321.00 for damage incurred to door as the result of action by Lincoln Police. This claim has been reviewed by this office and has been **denied**.

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

**Shannon Havener** filed a claim during the month of January, 2014, in an unspecified amount for damages incurred as the result of accident involving a City snowplow. This claim has been **settled** by the Risk Management Office in the amount of \$8,621.09.

**Wayne Scheidemann** filed a claim during the month of January, 2014, in the amount of \$1,179.27 for damages incurred as the result of water main break/sewer back-up. This claim has been reviewed by this office and has been **allowed** in the amount of \$1,179.27.

**Louis Bialas** filed a claim during the month of January, 2014, in the amount of \$1,145.88 for damage incurred to vehicle while parked in the Police Garage. A vehicle operated by a Police Garage employee backed into claimant's vehicle. This claim has been **settled** by the Risk Management Office in the amount of \$1,145.88.

**Realty Management Co.** filed a claim during the month of January, 2014, in the amount of \$1,032.55 for damage incurred to rental property during the execution of a "no knock" search warrant by Lincoln Police. This claim has been reviewed by this office and has been **allowed** in the amount of \$1,032.55.

**Mary Ann Rut** filed a claim during the month of January, 2014, in the amount of \$1,078.27 for damages incurred as the result of water main break/sewer back-up. This claim has been reviewed by this office and has been **allowed** in the amount of \$1,078.27.

## **LINCOLN ELECTRIC SYSTEM CLAIM DISPOSITIONS:**

### **L.E.S. DENIED CLAIMS:**

**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 has been **denied** and was handled by L.E.S. as a land management issue and claimant was compensated for the loss of the value of his property.

**Bailard Investments LLC/Shamrock Mobile Home Park** filed a claim during the month of June, 2013, in the amount of \$3,306.40 for damage allegedly incurred to sewer line during installation of light pole by L.E.S. personnel. This claim has been **denied**.

**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 in the area of South 56th Street and Union Hill Road. This claim has been **denied**.

**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 has been **denied**.

**Jessica Ashby and Randy Pavey** filed a claim during the month of August, 2013, in the amount of \$200.00 for loss of refrigerated food due to delay in electrical power being restored. This claim has been **denied** and claimant was compensated by L.E.S. waiving the security deposit and reconnection fee.

**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 has been **denied**.

**Tammy Dils (Chism)** filed a claim during the month of August, 2013, in the amount of \$144.00 for alleged loss of refrigerated food due to disconnection of electrical service. This claim has been **denied**.

**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 has been **denied**.

**Lancaster Event Center** filed a claim during the month of August, 2013, in the amount of \$2,893.59 for electrical repairs necessitated by a power surge caused by L.E.S. crew striking cable due to incorrect locate by L.E.S. contract locator. This claim was settled by the L.E.S. contractor and the claim against L.E.S. has been **denied**.

**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 has been **denied**.

**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 has been **denied**.

**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 has been **denied**.

**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 has been **denied**.

**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 broken pole that had been struck by a semi-truck. This claim has been **denied**.

**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. contractor was trimming tree. This claim was referred to the L.E.S. contractor for settlement and the claim against L.E.S. has been **denied**.

**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 has been **denied**.

**Terry Cherney** 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 has been **denied**.

**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 has been **denied**.

#### **L.E.S ALLOWED/SETTLED CLAIMS:**

**Carla Porter** filed a claim during the month of May, 2013, in the amount of \$624.22 for damage incurred to vehicle due to broken hydraulic hose on L.E.S. equipment. This claim has been **allowed** in the amount of \$624.22.

**Rich Hubka** filed a claim during the month of May, 2013, in the amount of \$75.00 for damage incurred to gate by L.E.S. personnel. This claim has been **settled** in the amount of \$18.62.

**Kathryn Justman and Lori Justman** filed a claim during the month of August, 2013, in the amount of \$577.71 for damage incurred to windshield when it was struck by transformer that exploded. This claim has been **allowed** in the amount of \$577.71.

**Denise Murtaugh** filed a claim during the month of October, 2013, in the amount of \$250.00 for loss of refrigerated food due to delay in electrical power being restored. This claim has been **settled** in the amount of \$228.24.

**Phoenix Loss Control/Time Warner** filed a claim during the month of November, 2013, in the amount of \$438.75 for cable damaged during trenching at 4249 Ridgeview Drive. This claim has been **allowed** in the amount of \$438.75.

#### **PENDING CLAIMS:**

**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**.

**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**.

**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**.

**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**.

**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**.

**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**.

**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**.

**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**.

**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**.

**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.

**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**.

**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**.

**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**.

**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**.

**Phoenix Loss Control on behalf of Time Warner Cable** filed a claim during the month of November, 2013, in the amount of \$4,963.43 for damage incurred to cable during curb repair. This claim is under review and is **pending**.

**U.S. Department of Army on behalf of Jerry L. Petersen** filed a claim during the month of December, 2013, in the amount of \$1,414.42 for medical payments made on behalf of Jerry L. Petersen who was allegedly injured when he tripped and fell on concrete curb while at Highlands Golf Course. This claim is under review and is **pending**.

**Joyce Vrbka** filed a claim during the month of December, 2013, in the amount of \$355.00 for medical expenses incurred as the result of injury sustained when claimant allegedly slipped and fell at Woods pool. This claim is under review and is **pending**.

**Vickie Tucker-Hunnicut** filed a claim during the month of December, 2013, in the amount of \$1,305.45 for damage allegedly incurred to vehicle as the result of striking metal object lying in the street. This claim is under review and is **pending**.

**B. Schuknecht** filed a claim during the month of December, 2013, in the amount of \$50.00 for reimbursement of hobbyist permit fee. This claim is under review and is **pending**.

**Nationwide Insurance as subrogee of Thelander LLC** filed a claim during the month of December, 2013, in the amount of \$12,074.27 for damage allegedly incurred to insured's property during street construction on O Street. This claim is under review and is **pending**.

**Jeff Ahern** filed a claim during the month of December, 2013, in the amount of \$264.72 for expenses allegedly incurred as the result of sanitary sewer back-up. This claim is under review and is **pending**.

**Don Glasser** filed a claim during the month of December, 2013, in the amount of \$417.65 for expenses allegedly incurred as a result of City maintenance of sewer line in the area of claimant's home. This claim is under review and is **pending**.

**James McCown** filed a claim during the month of December, 2013, in an unspecified amount for damage incurred to vehicle when allegedly struck by a Lincoln Electric System or Lincoln Water System vehicle. This claim is under review and is **pending**.

**David Portenier** filed a claim during the month of December, 2013, in the amount of \$98.04 for reimbursement of tow fee. This claim is under review and is **pending**.

**Anthony Baumert and Angela Boule** filed a claim during the month of December, 2013, in the amount of \$1,580.00 for damage allegedly incurred to sewer pipe as the result of trenching by L.E.S. personnel. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

#### **NEW CLAIMS FILED JANUARY 1 THROUGH JANUARY 15, 2014:**

**Shawnadee and Mark Morris** filed a claim in an unspecified amount for damages incurred as the result of water main break/sewer back-up. This claim is under review and is **pending**.

**Erin Mattson** filed a claim in the amount of \$1,622.80 for damage allegedly incurred to vehicle as the result of debris at a street construction site. This claim is under review and is **pending**.

**Justin Huebert** filed a claim in an unspecified amount for damages incurred as the result of water main break/sewer back-up. This claim is under review and is **pending**.

**Black Hills Energy** filed a claim in the amount of \$292.58 for damage incurred to gas line during excavation by L.E.S. at 8801 South 33rd Street. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

**Jerry W. Campbell Jr.** filed a claim in the amount of \$2,248.59 for damage incurred to vehicle when it was allegedly struck by a snowplow. This claim is under review and is **pending**.

**Kejjan Hesso** filed a claim in an unspecified amount for damages incurred as the result of accident involving a StarTran bus. This claim is under review and is **pending**.

**Chuck and Melissa Robinson** filed a claim the amount of \$20,207.54 for damages incurred as the result of water main break/sewer back-up. This claim is under review and is **pending**.

**Patricia and Jerry Borrell** filed a claim the amount of \$29,284.48 for damages incurred as the result of water main break/sewer back-up. This claim is under review and is **pending**.

**Kabredlo's Property** filed a claim in the amount of \$550.00 for damage incurred to door of rental property as the result of action by Lincoln Police. This claim is under review and is **pending**.

**Aleesha Kermmoade** filed a claim the amount of \$5,197.00 for damages incurred as the result of water main break/sewer back-up. 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