

Exhibit "A"

January 16, 2003

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

RE: Report of Claims Against the City of Lincoln for January 1 through 15, 2003

Dear Mayor & Council:

The following is a report of new and pending claims against the City of Lincoln, as well as claims which have been disposed of, for the period of January 1 through January 16, 2003. This report shall indicate the types of claims filed and the status and dispositions of these claims.

CLAIMS FILED IN PREVIOUS MONTHS:

Roland F. Bouska filed a claim during the month of September, 2000, in the amount of \$10,000 for alleged damages incurred as the result of an accident involving a Lincoln police vehicle. This claim has been referred to the City's fleet carrier and is **PENDING**.

County of Lancaster filed a claim during the month of October, 2001, for medical expenses incurred as the result of an arrest by Lincoln police of an individual who was taken to the hospital for treatment of injuries allegedly incurred during his arrest. The County alleges that they inadvertently paid for part of the medical expenses. This claim is under review and is **PENDING**.

Amy Bruning filed a claim during the month of December, 2001, in an unspecified amount for alleged injuries incurred as the result of a motor vehicle accident wherein claimant was a passenger in a vehicle that was in collision with a Lincoln police cruiser. This claim has been referred to the City's fleet carrier and is **PENDING**.

Patricia and James Dodson filed a claim during the month of March, 2002, in the amount of \$4,913.83 on behalf of their minor daughter, Jean Dodson. Jean Dodson, who was playing keyboard with her high school pep band at State Basketball Tournaments at Pershing Auditorium, allegedly received an electrical shock while adjusting an amplifier which was connected to an extension cord supplied by Pershing Auditorium. Claimants alleged that the extension cord was faulty. This claim has been referred to the insurer for Pershing Auditorium. Claimants have **WITHDRAWN** their claim preparatory to filing suit.

Neil and April Kringle and Neil and April Kringle on behalf of their minor child, Blake Kringle, filed a claim during the month of May, 2002, in the amount of \$1,000,000 for damages allegedly incurred when Blake Kringle fell off of his bicycle and into a culvert. This claim is under review and is **PENDING**.

Rena Francis S. Paulo and her minor daughter, Yasmin Nasur, filed a claim during the month of August, 2002, for property damage in the amount of \$2,129.83 resulting from a motor vehicle accident involving

a Lincoln police vehicle. The driver of the vehicle, Yasmin Nasur, and a passenger, Aduot Abdalla, went to the emergency room after the accident due to neck pain. The property damage portion of this claim has been settled by the Risk Management Office in the amount of \$700. The injury claims of Yasmin Nasur and Aduot Abdalla are **PENDING**.

Theresa Yonker filed a claim during the month of September, 2002, in an unspecified amount for alleged damages incurred as the result of claimant's termination from City employment. This claim is under review and is **PENDING**.

Duane Benck filed a claim during the month of September, 2002, in the amount of \$146.43 for damage incurred when a traffic counter cable across the road came loose causing damage to his tire. This claim is under review and is **PENDING**.

Jon and Julie Grubb filed a claim during the month of September, 2002, in the amount of \$911.64 for expenses incurred as the result of a sanitary sewer back-up at claimants' rental property. This claim is under review and is **PENDING**.

Karen Rice filed a claim during the month of October, 2002, in the amount of \$300 for damage incurred to her vehicle when she drove through tar that had been spilled on the street. This claim is under review and is **PENDING**.

Joseph and Deb Schwartztrauber, filed a claim during the month of October, 2002, on behalf of their minor daughter, Katherine Schwartztrauber, for injury incurred when Katherine was riding her bicycle onto the sidewalk at Coddington Park when her bicycle went off the edge of the sidewalk causing her to fall. This claim is under review and is **PENDING**.

Donald W. Rohla filed a claim during the month of October, 2002, in the amount of \$315.80 for yellow street paint on his vehicle. This claim is under review and is **PENDING**.

Lincoln Little Chiefs/Little League Baseball filed a claim during the month of October, 2002, in an unspecified amount for missing lawn mower that was being stored in a shed at a Parks & Rec baseball field. This claim is under review and is **PENDING**.

Rolland Victor filed a claim during the month of November, 2002, in the amount of \$8,438.90 for injury incurred a the result of a trip and fall on sidewalk. This claim is under review and is **PENDING**.

State Farm Insurance Co. (Bryan Brandenburgh, Insured) filed a claim during the month of November, 2002, in the amount of \$3,027.33 for alleged water damage at Insured's rental property. This claim is under review and is **PENDING**.

Lanny R. Goering filed a claim during the month of November, 2002, in the amount of \$1,416.00 for alleged damage incurred as the result of a broken water meter. This claim is under review and is **PENDING**.

Denny Wohlers filed a claim during the month of November, 2002, in the amount of \$229.55 for damage incurred to his vehicle as the result of an alleged raised manhole located at the entrance to an alley. This claim is under review and is **PENDING**.

Sara (Herbst) Free filed a claim during the month of November, 2002, in the amount of \$50,976.22 for damages incurred as the result of a sanitary sewer back-up. This claim is under review and is **PENDING**.

Steven Wiltshire filed a claim during the month of November, 2002, in the amount of \$3,509.66 for damages incurred as the result of a sanitary sewer back-up. This claim is under review and is **PENDING**.

Eileen M. (Law) Mendlik filed a claim during the month of November, 2002, in the amount of \$1,200.00 for injury incurred when she was a passenger in a vehicle that was involved in an accident with a Lincoln police vehicle. AMCO Insurance Company/Nationwide Mutual Insurance Company filed a subrogation claim for payment of Ms. Mendlik's medical expenses. Ms. Mendlik's claim and AMCO's subrogation claim have been **SETTLED** in the amount of \$750.00.

Gerald Klemke filed a claim during the month of December, 2002, in the amount of \$7,275.00 for damages allegedly incurred as the result of a sanitary sewer back-up at his residence. This claim has been reviewed by this office and has been **SETTLED** in the amount of \$3,000.

State Farm Insurance Company (Mitchell and Leslie Janssen, Insureds) filed claim during the month of December, 2002, in the amount of \$1,095.09 for damage allegedly incurred to Insureds' vehicle when it was struck by a Lincoln police vehicle. This claim is under review and is **PENDING**.

Robert Cuddeback filed a claim during the month of December, 2002, in the amount of \$632.12 for damages allegedly incurred as the result of a sanitary sewer back-up at his residence. This claim has been reviewed by this office and has been **ALLOWED** in the amount of \$632.12.

Jared K. and Carol Hartweg filed a claim during the month of December, 2002, in the amount of \$12,727.26 for damages allegedly incurred as the result of a sanitary sewer back-up at their rental property. The Hartweg's tenant, C.A. Cooper, has also filed a claim in the amount of \$716.88. The Hartweg's claim has been reviewed by this office and has been **SETTLED** in the amount of \$9,500. The claim of C.A. Cooper remains **PENDING**.

Tammy Viets filed a claim during the month of December, 2002, in the amount of \$715.98 for expenses incurred as the result of a sewer repair project. This claim is under review and is **PENDING**.

Allied/Nationwide Insurance (Ralph Wiegert, Insured) filed a claim during the month of December, 2002, in the amount of \$1,073.42 for damages allegedly incurred to Insured's property as the result of a sanitary sewer back-up. This claim is under review and is **PENDING**.

Lester O. Lacey filed a claim during the month of December, 2002, in the amount of \$886.85 for alleged damage incurred to his vehicle when it was struck by a StarTran bus. This claim has been reviewed by this office and has been **SETTLED** in the amount of \$550.00.

Terry and Windie Wolfgang filed a claim during the month of December, 2002, in the amount of \$636.47 for alleged damage incurred to their vehicle when it was struck by a StarTran bus. This claim has been **SETTLED** by the Risk Management in the amount of \$636.47.

AMCO/Nationwide Insurance (Kim and Mike Anderson, Insureds) filed a claim during the month of December, 2002, in the amount of \$1,389.91 for damage incurred to Insureds' vehicle as the result of a rock allegedly thrown from a City Parks mower. This claim is under review and is **PENDING**.

CLAIMS FILED JANUARY 1 THROUGH JANUARY 15, 2003:

Payless Shoe Source filed a claim in the amount of \$2,296.70 for damage allegedly incurred to sprinkler system as the result of street construction. This claim is under review and is **PENDING**.

Norm and Janet Pavlish and Melissa Pavlish filed a claim in an unspecified amount for alleged damages incurred as the result of a motor vehicle accident involving a Lincoln police vehicle. This claim is under review and is **PENDING**.

Walter Stanislav filed a claim in the amount of \$64.93 for alleged damage incurred to his vehicle. Claimant alleges that due to a lack of signage indicating that the lane he was driving in was ending, he struck the curb. This claim has been reviewed by this office and has been **DENIED**.

Jon Davis filed a claim in the amount of \$9,000 for alleged damages incurred as the result of a motor vehicle accident involving a StarTran bus. This claim is under review and is **PENDING**.

Ronald Stoehr filed a claim in the amount of \$1,514.00 for alleged damages incurred as the result of an accident involving a Lincoln police vehicle. This claim is under review and is **PENDING**.

Clifford L. Stevens filed a claim in the amount of \$514.28 for alleged damage incurred to his vehicle when it was allegedly struck by gravel thrown from a street sweeper. This claim is under review and is **PENDING**.

Shelter Insurance Company (Jay and Jennifer Eilts, Insureds) filed a claim in the amount of \$2,833.94 for alleged damages incurred as the result of a motor vehicle accident involving a Lincoln police vehicle. This claim is under review and is **PENDING**.

Dennis Mathias filed a claim in an unspecified amount for damage allegedly incurred to a gate at his residence when Lincoln police were pursuing a suspect. This claim has been reviewed by this office and has been **DENIED**.

Fred and Lorelee Carter filed a claim in the amount of \$3,930.10 for damages allegedly incurred when Animal Control captured a bat from claimants' residence but did not test the bat for rabies. This claim is under review and is **PENDING**.

Lorenzo and Barbara Delgado filed a claim in the amount of \$270.40 for expenses incurred as the result of a sanitary sewer back-up at claimants' rental property. This claim is under review and is **PENDING**.

Christopher Ray Smiley filed a claim in an unspecified amount for reimbursement of tow fees. This claim has been reviewed by this office and has been **DENIED**.

Angela M. Krofta filed a claim in the amount of \$54.15 for reimbursement of towing and storage fees. This claim is under review and is **PENDING**.

Kimberly A. Weber filed a claim in the amount of \$1,892.00 for damage incurred to her vehicle as the result of an accident involving a City-owned vehicle. This claim has been **SETTLED** by the Risk Management Office in the amount of \$1,781.74.

PENDING TORT LITIGATION:

The Estate of Rachel Quintana and her children, Catalina Quintana, Thomas Quintana, Randy Quintana, Samuel Quintana, Felisa Quintana, and Victoria Gallegos, filed a claim in the amount of \$500,000 during the month of November, 1999, for damages incurred when Rachel Quintana fell from her wheelchair while exiting a StarTran Handivan. Counsel for claimants withdrew his clients' claim on July 6, 2000, and filed a petition in the Lancaster County District Court on July 20, 2000. Litigation is **PENDING**.

Gail P. Frasier filed a claim during the month of December, 1999, in an unspecified amount for alleged injury incurred as the result of falling on a sidewalk. This claim was reviewed by this office and denial was approved by the City Council on January 20, 2000. Counsel for claimant filed a petition in the Lancaster County District Court on September 25, 2000. Plaintiff prays for special damages in the amount of \$13,500 and general damages. Litigation is **PENDING**.

Brian Harman filed a claim during the month of October, 1999, in an unspecified amount for alleged injuries incurred as the result of a motor vehicle accident involving a City-owned vehicle. Claimant was a passenger in a vehicle that was rear-ended by a City-owned vehicle. This claim was referred to the City's fleet carrier. Counsel for claimant withdrew his client's claim on October 6, 2000, and filed a petition in the Lancaster County District Court on October 9, 2000. Plaintiff prays for special damages in the amount of \$2,500 and general damages. Litigation is **PENDING**.

Lori J. Shipferling filed a claim during the month of August, 1997, in an unspecified amount for injury incurred when claimant stepped onto an alleged defective meter vault lid. This claim was reviewed by this office and denial was approved by the City Council on March 16, 1998. Ms. Shipferling filed suit in the Lancaster County District Court against Gale and Carolyn Cook, the owners of the property where the meter vault is located, and the Cooks have filed a Third Party Petition against the City of Lincoln. Pursuant to jury verdict returned on January 28, 2002, judgment was entered in favor of defendants and against Plaintiff Shipferling. Counsel for Plaintiff filed a motion for new trial, which motion was overruled. On March 27, 2002, Plaintiff filed a notice of appeal to the Nebraska Court of Appeals. Litigation is **PENDING**.

Mark Hundley filed a claim during the month of May, 2000, for damages incurred when he was struck by a rock while riding his motorcycle. Claimant alleges the rock was thrown from a City mowing machine. This claim was reviewed by this office and denial was approved by the City Council on July 31, 2000. Counsel for claimant filed a petition in the Lancaster County District Court on December 1, 2000. Plaintiff prays for special damages in the amount of \$979.92 and general damages. Litigation is **PENDING**.

Dale S. Nelson filed a claim during the month of October, 2000, in the amount of \$1,000,000 for alleged damages incurred as the result of a motor vehicle accident. Claimant alleges that the accident was the result of a police pursuit of a vehicle which struck his vehicle. Counsel for claimant withdrew his client's claim on May 2, 2001, and filed a petition in the Lancaster County District Court on May 3, 2001. Litigation is **PENDING**.

Summer P. Thomason filed a claim during the month of August, 2000, in the amount of \$1,000,000 for damages incurred as the result of a motor vehicle accident involving a vehicle driven by claimant and a vehicle driven by Teresa Zuerlein, a Health Department employee. This claim was referred to the City's fleet carrier and was denied. Denial of this claim was approved by the City Council on March 5, 2001. Counsel for claimant filed a petition in the Lancaster County District Court on May 3, 2001. Litigation is **PENDING**.

Cindy Schumacher filed a claim during the month of December, 2000, in the amount of \$500,000 for alleged injury incurred when claimant was allegedly struck by a water bottle that was thrown into the stands by a cheerleader at a Lincoln Lightning football game at Pershing Auditorium. Counsel for claimant withdrew his client's claim on August 13, 2001, and filed a petition in the Lancaster County District Court on August 15, 2001. Litigation is **PENDING**.

Sharon Mitchell filed a claim during the month of March, 2001, in an unspecified amount for damages allegedly incurred as the result of a pothole in an alley. This claim was reviewed by this office and denial of this claim was approved by the City Council on June 4, 2001. Counsel for claimant filed a petition in the Lancaster County Court on September 24, 2001. Plaintiff prays for special damages in the amount of \$4,014.13, general damages, interest, and costs of action. Litigation is **PENDING**.

Jason Blair filed a claim during the month of December, 2000, for injuries incurred as the result of a motor vehicle accident which was allegedly related to a police chase. This claim was reviewed by this office and denial of this claim was approved by the City Council on September 17, 2001. Counsel for claimant filed a petition in the Lancaster County District Court on September 26, 2001. Plaintiff prays for judgment in the amount of \$10,875.23, general damages, and costs of action. Litigation is **PENDING**.

Robert Blankenship filed a claim during the month of December, 2000, for injuries incurred as the result of a motor vehicle accident which was allegedly related to a police chase. This claim was reviewed by this office and denial of this claim was approved by the City Council on September 17, 2001. Counsel for claimant filed a petition in the Lancaster County District Court on December 20, 2001. Litigation is **PENDING**.

Theodore Wilcox filed a claim during the month of May, 2001, in the amount of \$100,000 for alleged injury incurred when he allegedly fell in a hole after exiting a StarTran bus. This claim was reviewed by this office and denial of this claim was approved by the City Council on September 17, 2001. Counsel for claimant filed a petition in the Lancaster County District Court on December 17, 2001. Litigation is **PENDING**.

Leonard Hernoud d/b/a Century Towing filed a claim during the month of December, 1998, in the amount of \$4,590.00 for alleged damages incurred as the result of an incident wherein claimant alleges he was instructed by Lincoln police to release a vehicle to an individual without payment of towing and storage charges. This claim was reviewed by this office and denial of the claim was approved by the City Council on July 12, 1999. Counsel for claimant filed a petition in the Lancaster County Court on July 27, 1999. The case was dismissed by the court for lack of prosecution on April 5, 2000. Counsel for claimant refiled a petition in the Lancaster County Court on March 25, 2002. Litigation is **PENDING**.

The Personal Representative for the Estate of Mildred Youngquist filed a claim during the month of May, 2001, in an unspecified amount for alleged damages incurred when Mildred Youngquist fell out of her

wheelchair on a StarTran bus. Counsel for claimant filed a petition in the Lancaster County District Court on April 18, 2002. Litigation is **PENDING**.

State Farm Insurance Co. filed a subrogation claim during the month of November, 2000, regarding an accident involving a vehicle driven by their insured, Robin Baker, and a StarTran bus. This claim was reviewed by this office and denial of this claim was approved by the City Council on July 2, 2001. Counsel for Robin Baker filed a petition in the Lancaster County Court on June 5, 2002. Litigation is **PENDING**.

Leta Thompson filed a claim during the month of January, 2002, in the amount of \$15,000 for alleged injury incurred as the result of falling on a sidewalk. This claim was reviewed by this office and denial was approved by the City Council on February 25, 2002. Counsel for claimant filed a petition in the Lancaster County District Court on June 20, 2002. Litigation is **PENDING**.

Rex Miller filed a claim during the month of October, 2001, in the amount of \$20,000 for alleged injury incurred when the swing that claimant was swinging on at Ballard Park allegedly failed and dropped claimant to the ground. This claim was reviewed by this office and denial of this claim was approved by the City Council on January 14, 2002. Counsel for Rex Miller filed a petition in the Lancaster County District Court on June 27, 2002. Litigation is **PENDING**.

Mohamed A. El-Tabech filed a claim in an unspecified amount alleging that Lincoln Police violated his rights under the "Vienna Convention on Consular Relations Treaty" and that said violation has caused claimant the loss of his freedom. Claimant stated in his claim that he was arrested by Lincoln Police on June 24, 1984, convicted in the Lancaster County District Court of first degree murder, and sentenced to life imprisonment. This claim was reviewed by this office and denial of this claim was approved by the City Council on June 17, 2002. Mohamed A. El-Tabech filed a petition in the Lancaster County District Court on July 22, 2002. Litigation is **PENDING**.

Richard A. Eastep d/b/a Eastep's Wheels, Inc. filed a claim during the month of April, 2000, in the amount of \$56,102.00 for damage incurred to property as the result of a water main break. This claim was denied for the reason that claimant had not pursued the matter for over a year. Denial of this claim was approved by the City Council on January 14, 2002. Counsel for claimant filed a petition in the Lancaster County District Court on July 25, 2002. Richard and Laveda Eastep are praying for judgment in the amount of \$13,448.94 and Eastep's Wheels, Inc. is praying for judgment in the amount of \$53,075.70. Litigation is **PENDING**.

The Estate of J. Michael Lawlor and Sue Lawlor individually filed claims during the month of February, 2001, in unspecified amounts alleging negligence by Lincoln Fire Department personnel in their care and treatment of J. Michael Lawlor. Counsel for claimant withdrew his client's claim on February 20, 2002, for the purpose of initiating legal action. A petition was filed in the Lancaster County District Court on August 13, 2002. Litigation is **PENDING**.

Jacen Roper filed a claim during the month of June, 2002, in the amount of \$5,322.69 for damage incurred to his vehicle as the result of an accident involving a Lincoln police vehicle. This claim was reviewed by this office and denial of this claim was approved by the City Council on July 15, 2002. Counsel for Jacen Roper filed a petition in the Lancaster County District Court on August 20, 2002. Litigation is **PENDING**.

Dirk Allgood filed a claim during the month of August, 2001, in an unspecified amount for injury allegedly incurred when claimant tripped on an alleged defect in a pedestrian passageway underneath the BNSF railroad track line located on 1st Street between "G" and "H". This claim was reviewed by this office and denial of this claim was approved by the City Council on October 1, 2001. Counsel for Dirk Allgood filed a petition in the Lancaster County District Court on September 30, 2002. Litigation is **PENDING**.

Lois Lockman filed a claim during the month of June, 2002, in the amount of \$500,000 for alleged injury incurred as the result of a trip and fall on sidewalk. This claim was reviewed by this office and denial of this claim was approved by the City Council on December 2, 2002. Counsel for Lois Lockman filed a petition in the Lancaster County District Court. Litigation is **PENDING**.

Sue and Bill Wilson filed a claim during the month of April, 2002, in an unspecified amount for alleged damages incurred when Sue Wilson tripped on a mat at the Ager Play Center. This claim was reviewed by this office and denial of this claim was approved by the City Council on April 29, 2002. Litigation was filed in the Lancaster County District Court and is **PENDING**.

Allen Hall filed a claim during the month of February, 2002, in the amount of \$50,000 for alleged damages incurred as the result of an accident involving a City police cruiser. This claim was reviewed by this office and denial of this claim was approved by the City Council on December 16, 2002. Counsel for Allen Hall filed a petition in the Lancaster County District Court on December 16, 2002. Litigation is **PENDING**.

Respectfully submitted,

James D. Faimon
Assistant City Attorney

JDF/skb
c: Risk Management