

**Exhibit "A"**

May 17, 2010

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

RE: Report of Claims Against the City of Lincoln for May 1 through May 15, 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 May 1 through May 15, 2010. This report will describe the claims and the dispositions or status of these claims.

**DENIED CLAIMS:**

**Dale A. Gardner** filed a claim during the month of December, 2009, in the amount of \$200.00 for snow removal due to snowplows pushing snow from street onto his sidewalk. This claim has been reviewed by this office and has been **denied**.

**Tom R. Davis** filed a claim during the month of January, 2010, in an unspecified amount for damage allegedly incurred to water shut-off valve by an employee of Lincoln Water System. This claim has been reviewed by this office and has been **denied**.

**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 has been reviewed by this office and has been **denied**.

**Libby Raetz** filed a claim during the month of April, 2010, in the amount of \$116.86 for damage allegedly incurred to mailbox during snow removal activity. This claim has been reviewed by this office and has been **denied**.

**Greg and Paula Baker** filed a claim during the month of May, 2010, in the amount of \$104.09 for damage allegedly incurred to sprinkler head as the result of snow removal activity. This claim has been reviewed by this office and has been **denied**.

**R. David Wilcox** filed a claim during the month of May, 2010, in the amount of \$274.52 for damage allegedly incurred to tire as the result of striking a tree limb lying on the street. This claim has been reviewed by this office and has been **denied**.

**Dick and Joyce Vosteen** filed a claim during the month of May, 2010, in the amount of \$396.23 for damage allegedly incurred to tire and rim as the result of striking a metal plate lying on the street. This claim has been reviewed by this office and has been **denied**.

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

**Richard H. Stephens** filed a claim during the month of April, 2010, in the amount of \$3,525.93 for damage incurred to vehicle as the result of an accident involving a Public Works vehicle. This claim has been **settled** by the Risk Management Office in the amount of \$3,133.32.

#### **LITIGATION DISPOSITIONS:**

**Troy Stonacek and Shari Stonacek, Bradley Sheaff and Jennifer Sheaff, George Bristol and Lori Bristol** filed claims during the month of July, 2005, for alleged damages incurred as the result of alleged failure to provide claimants with proper base flood elevations prior to construction of claimants' homes. These claims were withdrawn on February 3, 2006, and claimants filed suit in the Lancaster County District Court. The City received unfavorable judgments in the District Court and the City appealed the judgments to the Nebraska Court of Appeals. **On May 14, 2010, the Nebraska Supreme Court found that the District Court erred in its judgments and therefore the judgments are vacated and the cases have been remanded to the District Court with directions to dismiss.**

**Jeffrey Harris** filed a claim during the month of January, 2007, in the amount of \$900,000 for injury incurred when claimant stepped on a manhole cover located in an area between the sidewalk and the street where vegetation grows in the downtown area on O Street between 11 and 12th Street which manhole cover allegedly flipped and struck claimant while he was maintaining the vegetation in the course of his employment with Community Alternatives Nebraska. This claim was reviewed by this office and denial was approved by the City Council on June 4, 2007. A suit was filed in the Lancaster County District Court on October 18, 2007. This case has been **settled** in the amount of \$87,500, which settlement is paid by the insurer for Downtown Lincoln Association.

#### **PENDING CLAIMS:**

**Gerry Krolkowski** filed a claim during the month of July, 2008, in the amount of \$366.09 for damage incurred to windshield of vehicle when it was allegedly struck by a rock from a City mower. This claim is under review and is **pending**.

**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**.

**Elizabeth Ozolins** filed a claim during the month of November, 2008, for alleged injury incurred as the result of an accident involving an L.E.S. vehicle on October 20, 2008. 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. This claim is under review and is **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 damages incurred as the result of a sanitary sewer back-up. This claim is under review and is **pending**.

**Phillip Hughes** filed a claim during the month of May, 2009, in the amount of \$839.88 for damages incurred to rental property when a City grader struck an L.E.S. police. 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 incurred when claimant tripped on sidewalk at Fleming ball fields. This claim is under review and is **pending**.

**Heather Armstrong** filed a claim during the month of June, 2009, in the amount of \$225.00 for phone allegedly destroyed by police property. This claim is under review and is **pending**.

**Jamil Woullard** filed a claim during the month of August, 2009, in the amount of \$80.00 for damage allegedly incurred to keys during claimant's arrest. 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**.

**IL Partners** filed a claim during the month of August, 2009, in the amount of \$535.07 for damage allegedly incurred to sprinkler system when repairs were being made to storm inlets. 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 injury and damage incurred to vehicle as the result of an accident involving a Parks vehicle. This property damage portion of this claim was **settled** by the Risk Management Office in the amount of \$1,850.00. The injury claim remains **pending**.

**Southeast Community College** filed a claim during the month of October, 2009, in the amount of \$430.00 for damage incurred to ladder when struck by a Lincoln fire truck. This claim is under review and is **pending**.

**Danica Zobeck Davis** filed a claim during the month of December, 2009, 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**.

**The Hartford (Roger L. & Ryan Freeman, Insured)** filed a claim during the month of January, 2010, in an unspecified amount for damage incurred to insured's vehicle when allegedly struck by a snowplow. This 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**.

**David Erickson and State Farm Fire & Casualty Co.** filed a claim during the month of January, 2010, in the amount of \$34,683.67 for damage allegedly incurred to rental property as the result of actions by Lincoln Electric System. Claimant alleges L.E.S. shut off electric service to claimant's rental property which allegedly caused water pipes to freeze and burst. This claim is under review and is **pending**.

**Barb Kokrda** filed a claim during the month of January, 2010, in an unspecified amount for damage allegedly incurred to fence as the result of snow removal activity. 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 damages incurred as the result of a sanitary sewer back-up. This claim is under review and is **pending**.

**Daryl Dean Limbach** filed a claim during the month of February, 2010, in an unspecified amount for alleged injury incurred as the result of an accident involving a police vehicle. This claim is under review and is **pending**.

**Tony West** filed a claim during the month of February, 2010, in the amount of \$8,000 for cost of rabies vaccinations that claimant's family incurred due to Animal Control's alleged failure to test a bat that had been captured at claimant's home. 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**.

**Derek Dunn** filed a claim during the month of February, 2010, in the amount of \$252.00 for damage allegedly incurred to vehicle as the result of a pothole. This claim is under review and is **pending**.

**Julie Schmieding** filed a claim during the month of February, 2010, in the amount of \$134.08 for damage allegedly incurred to vehicle as the result of a pothole. 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 injuries 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**.

**Liberty Mutual Insurance Company (Daniel Thompson, Insured)** filed a claim during the month of March, 2010, in the amount of \$5,864.98 for damage incurred to insured's vehicle as the result of an accident involving a StarTran bus. This claim is under review and is **pending**.

**Fairacres Addition Homeowners Association** filed a claim during the month of April, 2010, in the amount of \$406.97 for damage allegedly incurred to sprinkler system as the result of snow removal activity. This claim is under review and is **pending**.

**Kaylie Hallertz** filed a claim during the month of April, 2010, in the amount of \$768.81 for damage incurred to vehicle as the result of an accident involving a City vehicle. 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**.

**Jennifer Williams** filed a claim during the month of April, 2010, in an unspecified amount for alleged injury incurred when Lincoln police entered claimant's residence. This claim is under review and is **pending**.

**Percy Hall** filed a claim during the month of April, 2010, in an unspecified amount for alleged injury incurred as the result of an incident involving Lincoln police. This claim is under review and is **pending**.

**Vic Wright** filed a claim during the month of April, 2010, in the amount of \$79.80 for damage allegedly incurred to sprinkler heads as the result of snow removal activity. This claim is under review and is **pending**.

**Windstream Communications** filed a claim during the month of April, 2010, in the amount of \$6,800.26 for damage allegedly incurred to underground conduit system during placement of an underground water supply system. This claim is under review and is **pending**.

**Debra Daharsh, as parent and next friend of Garrett A. Daharsh** filed a claim during the month of April, 2010, in the amount of \$270,224.09 for injury incurred to Garrett Deharsh when he fell off of a merry-go-round at Irvingdale Park while attending a Parks and Recreation day camp at the Irvingdale Recreation Center. This 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**.

**Holly King** filed a claim during the month of April, 2010, in the amount of \$265.00 for damage allegedly incurred to tires as the result of potholes. This claim is under review and is **pending**.

**Abbas Al-Qaraghuli** filed a claim during the month of April, 2010, in an unspecified amount for damage incurred to wall of apartment by Fire Department personnel. This claim is under review and is **pending**.

**Rodney Alan Hitchler, Natural Parent and Special Administrator of the Estate of Ryan Alan Hitchler**, filed a claim during the month of May, 2010, in the amount of \$1,000,000.00. Ryan Alan Hitchler died of injuries sustained in a construction accident at property commonly known as Building 600 at the Nebraska Air National Guard in Lincoln, which property is allegedly owned and/or maintained and/or leased by City of Lincoln and/or Airport Authority and/or County of Lancaster. This claim is under review and is **pending**.

**Capital City Refuse** filed a claim during the month of May, 2010, in the amount of \$4,126.49 for damage incurred to truck as the result of an accident involving a City vehicle at the Bluff Road Landfill. This claim is under review and is **pending**.

**Andrew Reiners** filed a claim during the month of May, 2010, in the amount of \$3,004.68 for damage incurred to vehicle when it was struck by a StarTran bus. This claim is under review and is **pending**.

**Lincoln Benefit Life** filed a claim during the month of May, 2010, in an unspecified amount for damage incurred to landscaping and sprinkler system when a StarTran bus drove over curb. This claim is under review and is **pending**.

**Black Hills Energy** filed a claim during the month of May, 2010, in the amount of \$413.81 for damage incurred to gas line by Public Works personnel. This claim is under review and is **pending**.

**PENDING TORT LITIGATION:**

**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. Litigation is **pending**.

**Robert Niemeyer, Personal Representative of the Estate of Alvin Niemeyer** filed a claim during the month of July, 2008, in the amount of \$1,000,000. Claimant alleges that a motor vehicle accident which caused injuries that allegedly led to the death of Alvin Niemeyer was caused by the negligence of the City of Lincoln in failing to maintain weeds at an intersection. This claim was withdrawn by counsel for claimant on February 27, 2009. Claimant filed suit in the Lancaster County District Court against Scott Anderson, the City of Lincoln and Lancaster County. Litigation is **pending**.

**Paul Meder and Stacie Meder** filed a claim during the month of October, 2008, in the amount of \$85,000 for alleged injury incurred to Paul Meder as the result of an accident involving a StarTran bus. This claim was withdrawn by counsel for claimants and suit was filed in the Lancaster County District Court on June 23, 2009. Litigation is **pending**.

**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. Counsel for claimant filed suit against the City of Lincoln and the City of Omaha in the U.S. District Court. Suit has also been filed in the Lancaster County District Court. Litigation is **pending** in both courts.

**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 has filed two suits in the Lancaster County District Court. Litigation is **pending**.

**Wardell Millien** filed a claim during the month of March, 2009, in an unspecified amount for alleged injury incurred as the result of a motor vehicle accident involving a City snowplow. This claim was withdrawn by counsel for claimant and suit was filed in the Lancaster County District Court. Litigation is **pending**.

**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**.

Submitted by City Law Department

c: Risk Management