

Exhibit "A"

June 1, 2011

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

RE: Report of Claims Against the City of Lincoln for May 16 through May 31, 2011

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 16 through May 31, 2011. This report will describe the claims and the dispositions or status of these claims.

DENIED CLAIMS:

Bonnie Kaltenborn filed a claim during the month of April, 2011, in the amount of \$4,552.61 for injury allegedly incurred as the result of trip and fall on sidewalk. This claim has been reviewed by this office and has been **denied**.

Melanie Brewer filed a claim during the month of April, 2011, in the amount of \$2,010.09 for damage allegedly incurred to vehicle as the result of a fallen tree branch. This claim has been reviewed by this office and has been **denied**.

ALLOWED/SETTLED CLAIMS:

Christine Wischmeier filed a claim during the month of January, 2011, in the amount of \$996.73 for alleged damage incurred as the result of a sanitary sewer back-up. This claim has been reviewed by this office and has been **allowed** in the amount of \$996.73.

Ralph Ebers filed a claim during the month of March, 2011, in the amount of \$1,829.81 for alleged damage incurred to rental property as the result of a sanitary sewer back-up. This claim has been reviewed by this office and has been **allowed** in the amount of \$1,829.81.

Kari Meyer filed a claim during the month of April, 2011, in the amount of \$3,711.29 for damage incurred to vehicle as the result of an accident involving a Public Works vehicle. This claim has been reviewed by this office and has been **settled** in the amount of \$3,211.29.

CLAIMS FILED IN CITY CLERK'S OFFICE AND REFERRED TO LINCOLN ELECTRIC SYSTEM FOR DISPOSITION:

Caleb Plettner filed a claim during the month of February, 2011, in the amount of \$1,495.95 for damage allegedly incurred to vehicle when it was struck by L.E.S. equipment.

Nick Ross filed a claim during the month of February, 2011, in the amount of \$7,810.00 for damage allegedly incurred to driveway, yard, and fence when L.E.S. personnel was repairing a powerline/pole that had been damaged by a fallen tree.

Streeter Plumbing filed a claim during the month of March, 2011, in the amount of \$6,250.00 for repair of sewer line that was allegedly damaged by an L.E.S. contractor who bored through the sewer line.

Linda Van Meter filed a claim during the month of March, 2011, in the amount of \$533.00 for damage allegedly incurred to fence by an L.E.S. meter reader.

Marty Steinhausen filed a claim during the month of May, 2011, in the amount of \$326.00 for damage allegedly incurred to water pipe by an L.E.S. meter reader.

David Stone filed a claim during the month of May, 2011, in the amount of \$293.20 for damage allegedly incurred to vehicle window when it was struck by debris thrown from a weed mowing machine operated by an L.E.S. employee.

PENDING CLAIMS:

Connie M. Voss filed a claim during the month of May, 2009, in an unspecified amount for injury allegedly incurred when claimant tripped on sidewalk at Fleming ballfields. 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**.

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**.

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**.

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**.

Richard Dondlinger filed a claim during the month of June, 2010, in the amount of \$348.05 for alleged damages incurred as the result of a sewer back-up. This claim is under review and is **pending**.

Michelle Yount filed a claim during the month of July, 2010, in the amount of \$16,000 for alleged injury incurred when claimant tripped and fell on sidewalk in front of Eiseley Library. This claim is under review and is **pending**.

James Lam filed a claim during the month of July, 2010, in the amount of \$363.54 for damages allegedly incurred to vehicle when struck by a fallen tree branch. This claim is under review and is **pending**.

April Leach-Sanna and Anthony Sanna filed a claim during the month of August, 2010, in the amount of \$35,000 for alleged damages incurred as the result of a motor vehicle accident involving a Public Works vehicle. This claim is under review and is **pending**.

Tyrone Hall filed a claim during the month of August, 2010, in the amount of \$25,000 for alleged damages incurred when claimant was arrested by Nebraska State Patrol and Lincoln Police. This claim is under review and is **pending**.

Amanda Wagner and Shane Alley filed a claim during the month of September, 2010, in the amount of \$351,000 for damages allegedly incurred as the result of a water main break. This claim is under review and is **pending**.

State Farm Insurance (Kimberly Watkins Lutz, Insured) filed a subrogation claim during the month of September, 2010, for medical payments made on behalf of its insured as the result of a motor vehicle accident involving a police vehicle. This claim is under review and is **pending**.

Brent Braun filed a claim during the month of October, 2010, in the amount of \$577.50 for damage allegedly incurred to sewer line as the result of water main construction. This claim is under review and is **pending**.

Joel D. Heusinger filed a claim during the month of October, 2010, in the amount of \$3,995.89 for damage allegedly incurred to vehicles while parked at Cornhusker Place parking garage. This claim is under review and is **pending**.

Todd S. Morley filed a claim during the month of October, 2010, in an unspecified amount for alleged damages incurred as the result of an accident involving a Lincoln Fire and Rescue ambulance. This claim is under review and is **pending**.

Carolyn Robinson filed a claim during the month of November, 2010, 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**.

Willa D. Smith filed a claim during the month of December, 2010, in an unspecified amount for injury incurred when claimant allegedly tripped on sidewalk at Walt Library. This claim is under review and is **pending**.

LeRoy Meints filed a claim during the month of December, 2010, in the amount of \$92.42 for damage incurred to blades of riding mower when claimant was mowing City right-of-way and allegedly struck a water valve box. This claim is under review and is **pending**.

Marlin Lockhart filed a claim during the month of December, 2010, in the amount of \$354.14 for damage incurred to vehicle in parking lot at Walt Library when a handicapped parking sign allegedly blew over and struck claimant's vehicle. This claim is under review and is **pending**.

Perry Vale filed a claim during the month of January, 2011, in the amount of \$1,200.00 for damage allegedly incurred to his wheelchair while claimant was a passenger on a StarTran van. This claim is under review and is **pending**.

Farmers Insurance Group (Katherine Schinstock, Insured) filed a claim during the month of January, 2011, in the amount of \$10,142.95 for damage incurred to insured's vehicle as the result of an accident involving a backhoe operated by a Public Works employee. This claim is under review and is **pending**.

Debra S. Roberts filed a claim during the month of February, 2011, in an unspecified amount for damage allegedly incurred to mailbox as the result of snow removal activity. This claim is under review and is **pending**.

Ashley Billings filed a claim during the month of February, 2011, in the amount of \$405.00 for damage incurred to three interior doors of apartment as the result of actions by Lincoln Police during the execution of a search warrant. This claim is under review and is **pending**.

Midwest Refuse filed a claim during the month of February, 2011, in the amount of \$3,260.04 for damage allegedly incurred to truck equipment at the City Landfill. This claim is under review and is **pending**.

Lanny Gerig filed a claim during the month of February, 2011, in the amount of \$100.00 for damage allegedly incurred to mailbox as the result of snow removal activity. This claim is under review and is **pending**.

Michelle Ball filed a claim during the month of February, 2011, in the amount of \$368.34 for damage allegedly incurred to tire as the result of a displaced water main cover in the street. This claim is under review and is **pending**.

Karen Davis filed a claim during the month of February, 2011, in the amount of \$2,895.52 for damage allegedly incurred to vehicle when it struck a cement pillar in the parking lot at the Walt Library. This claim is under review and is **pending**.

California Casualty Insurance (Andrew Barber, Insured) filed a claim during the month of March, 2011, in an unspecified amount for damage allegedly incurred to insured's vehicle when it was struck by a snowplow. This claim is under review and is **pending**.

Dale Gardner filed a claim during the month of March, 2011, in an unspecified amount for injury incurred when claimant allegedly slipped and fell on icy sidewalk at or near Henry Park. This claim is under review and is **pending**.

State Farm Insurance (Kellie Schwabauer, Insured) filed a claim during the month of March, 2011, in an unspecified amount 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**.

Jeremy and Erin DeFruiter filed a claim during the month of March, 2011, in the amount of \$3,229.36 for damage allegedly incurred as the result of a sanitary sewer back-up. This claim is under review and is **pending**.

Doug Samuelson filed a claim during the month of April, 2011, in an unspecified amount for injury incurred while claimant was officiating an adult co-ed volleyball game sponsored by Parks and Recreation. Claimant fell off the ladder he was standing on when a player collided with the ladder. This claim is under review and is **pending**.

Praxis Consulting Inc./First Comp Insurance Co./Husker Hospitality LLC/Patrick Kelley filed a subrogation claim during the month of April, 2011 in the amount of \$2,835.84 for workers compensation and medical benefits paid on behalf of Patrick Kelley, an employee of Husker Hospitality LLC, as the result of injury incurred to Mr. Kelley when a Lincoln police vehicle allegedly ran over his foot. This claim is under review and is **pending**.

Mary Close filed a claim during the month of April, 2011, in the amount of \$266.78 for damage allegedly incurred to windshield of vehicle by an errant golf ball from Mahoney Golf Course. This claim is under review and is **pending**.

Steve and Tammy Moore filed a claim during the month of May, 2011, in the amount of \$84.24 for damage allegedly incurred to sprinkler system as the result of snow removal activity. This claim is under review and is **pending**.

Kevin L. Walker filed a claim during the month of May, 2011, in an unspecified amount for vehicle sold at auction. Claimant alleges he was not properly notified of the release of the vehicle from Police Property prior to the auction. This claim is under review and is **pending**.

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 is under review and is **pending**.

Rodney J. Pillard filed a claim during the month of May, 2011, in an unspecified amount for damage incurred to door of property as the result of action by Lincoln Fire personnel responding to a check welfare request. This claim is under review and is **pending**.

Nicholas H. Jones filed a claim during the month of May, 2011, in the amount of \$374.00 for damage allegedly incurred to tire and rim as the result of a pothole. This claim is under review and is **pending**.

Ben Mickey filed a claim during the month of May, 2011, in the amount of \$236.82 for damage allegedly incurred to window of vehicle when it was struck by a rock thrown from a City mower. This claim is under review and is **pending**.

Elizabeth Thayer filed a claim during the month of May, 2011, in the amount of \$548.56 for damage allegedly incurred to tire at a street construction site on Capitol Parkway. This claim is under review and is **pending**.

Colby Hoshor filed a claim during the month of May, 2011, in the amount of \$2,198.00 for damage incurred to vehicle as the result of an accident involving a Public Work truck. This claim is under review and is **pending**.

Constitution State Services (EIIA, Insured) filed a claim during the month of May, 2011, in an unspecified amount for damage allegedly incurred to insured's vehicle when it was struck by a road closure sign that had blown over. This claim is under review and is **pending**.

Antonette Benzing filed a claim during the month of May, 2011, in an unspecified amount for damage allegedly incurred to house when struck by a fallen tree. This claim is under review and is **pending**.

Pat Mahoney filed a claim during the month of May, 2011, in the amount of \$985.00 for damage allegedly incurred to vehicle at a street construction site. This claim is under review and is **pending**.

Great West Casualty Company filed a claim during the month of May, 2011, in an unspecified amount for damage allegedly incurred to insured's vehicle when it struck a low hanging tree limb. This claim is under review and is **pending**.

Rick Seidel filed a claim during the month of May, 2011, in the amount of \$85.70 for damage allegedly incurred to sprinkler system during a sidewalk installation project. This claim is under review and is **pending**.

PENDING TORT LITIGATION:

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**.

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 was reviewed by this office and denial was approved by the City Council on June 7, 2010. Counsel for claimant filed suit in the Lancaster County District Court on July 27, 2010. Litigation is **pending**.

Debra Daharsh, as parent and next friend of Garrett A. Daharsh filed a claim in April, 2010, in the amount of \$270,224.09 for injury incurred to Garrett Deharsh on June 11, 2009, 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 was reviewed by this office and denial was approved by the Lincoln City Council on August 16, 2010. Counsel for claimant filed suit in the Lancaster County District Court on November 22, 2010. Litigation is **pending**.

Dennis and Benita Cooper filed a claim in February, 2010, in the amount of \$35,155.62 for damages incurred as the result of a sanitary sewer back-up. This claim was reviewed by this office and denial was approved by the Lincoln City Council on June 28, 2010. Counsel for claimant filed suit in the Lancaster County Court on January 31, 2011. Litigation is **pending**.

Mark Dornbos filed a claim in August, 2009, in an unspecified amount for injury incurred when claimant allegedly lost control of his bicycle as the result of low hanging tree limbs over a sidewalk. This claim was reviewed by this office and denial was approved by the Lincoln City Council on September 28, 2009. Counsel for claimant filed suit in the Lancaster County District Court against the City of Lincoln, Alltel Communications and Windstream Communications on February 4, 2011. Litigation is **pending**.

Jeffery and Nerissa Ahern filed a claim in February, 2010, in the amount of \$4,728.16 for damages incurred as the result of a sanitary sewer back-up. This claim was reviewed by this office and denial was approved by the Lincoln City Council on June 28, 2010. Counsel for claimant filed suit in the Lancaster County District Court on February 18, 2011. Litigation 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. Counsel for claimant filed suit in the Lancaster County Court on March 3, 2011. Litigation is **pending**.

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

Submitted by City Law Department
c: Risk Management