

Exhibit "A"

October 1, 2013

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

RE: Report of Claims Against the City of Lincoln for September 16 through September 30, 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 September 16 through September 30, 2013. This report will describe the claims and the dispositions or status of these claims.

DENIED CLAIMS:

Becky Kramer filed a claim during the month of July, 2013, in the amount of \$215.00 for damage allegedly incurred to windshield when struck by an errant golf ball from Mahoney Golf Course. This claim has been reviewed by this office and has been **denied**.

Steve McMasters filed a claim during the month of August, 2013, in the amount of \$374.50 for expense incurred to clean street paint from vehicle. This claim has been reviewed by this office and has been **denied**.

Century Sales and Management on behalf of DLI Enterprises II LLC filed a claim during the month of September, 2013, in an unspecified amount alleging a dramatic increase in water bill due to damage incurred to sprinkler system during street construction. This claim has been reviewed by this office and has been **denied**.

Pete Stolze filed a claim during the month of September, 2013, in the amount of \$45.56 for damage allegedly incurred to bicycle while riding on City bike trail. This claim has been reviewed by this office and has been **denied**.

ALLOWED/SETTLED CLAIMS:

Farm Bureau Insurance as subrogee of Knaub & Sons, Inc. filed a claim during the month of April, 2013, in the amount of \$3,026.77 for damage incurred to insured's garbage truck when it was involved in an accident with a City bulldozer at the Landfill. This claim has been reviewed by this office and has been **settled** in the amount of \$1,895.08.

Ellory Harper filed a claim during the month of May, 2013, in the amount of \$334.28 for damage incurred to vehicle as the result of a pothole. This claim has been reviewed by this office and has been **allowed** in the amount of \$334.28.

Jamie Lopez filed a claim during the month of June, 2013, in the amount of \$312.58 for damage incurred to vehicle as the result of a pothole. This claim has been reviewed by this office and has been **allowed** in the amount of \$312.58.

Doug Strobe filed a claim during the month of September, 2013, in the amount of \$107.08 for reimbursement of parking fine and tow fee. This has been reviewed by this office and has been **settled** in the amount of \$59.00.

Randy and Sally Moon filed a claim during the month of September, 2013, in the amount of \$747.63 for damage incurred to vehicle as the result of accident involving a StarTran bus. This claim has been **settled** by the Risk Management Office in the amount of \$747.63.

PENDING CLAIMS:

Manh Van Tran filed a claim during the month of November, 2011, in the amount of \$6,252.00 for alleged damages incurred as the result of a sanitary sewer back-up. This claim is under review and is **pending**.

Don and Shirley Kringel filed a claim during the month of December, 2011, in an unspecified amount for alleged damages incurred as the result of a sanitary sewer back-up. This claim is under review and is **pending**.

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**.

Continental Western Group, as subrogee of Insured, BGNE, Inc. filed a subrogation claim during the month of September, 2012, for worker's compensation benefits paid on behalf of Insured's employee, Travis Birkett, who was allegedly injured as the result of a motor vehicle accident involving an Animal Control vehicle. 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**.

Jeremy Hoshor filed a claim during the month of February, 2013, in an unspecified amount for injury incurred at Belmont Recreation Center. 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 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**.

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.

Gary Shafer filed a claim during the month of May, 2013, in the amount of \$4,477.00 for medical expenses incurred as the result of an accident at the Landfill. This claim is under review and is **pending**.

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.

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 is under review and is **pending**.

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.

Kristy and Chad Christensen filed a claim during the month of August, 2013, in the amount of \$620.85 for medical expenses incurred when claimants' son was allegedly injured while attending summer day camp at Belmont Recreation Center. This claim is under review and is **pending**.

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.

Jeff Green filed a claim during the month of September, 2013, in the amount of \$475.62 for damage incurred to sewer line as the result of water main break. This claim is under review and is **pending**.

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.

NEW CLAIMS FILED SEPTEMBER 16 THROUGH SEPTEMBER 30, 2013:

Marjorie Ames filed a claim in the amount of \$598.86 for damage incurred to vehicle as the result of accident involving a City vehicle. This claim is under review and is **pending**.

Rick Melichar filed a claim in the amount of \$260.74 for damage incurred to windshield of vehicle when struck by debris that allegedly fell from City dump trucks. 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**.

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 suit was filed in the Lancaster County District Court on May 1, 2012. Litigation is **pending**.

Krystle Park filed a claim during the month of April, 2012, in the amount of \$1,000,000 for injury incurred when claimant was bitten by a police dog. This claim was reviewed by this office and denial was approved by the Lincoln City Council on August 13, 2012. Suit was filed in the Lancaster County District Court on August 31, 2012. 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**.

Submitted by City Law Department
c: Risk Management