

## Exhibit "A"

October 16, 2017

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

RE: Report of Claims Against the City of Lincoln for October 1 through October 15, 2017

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 October 1 through October 15, 2017. This report will describe the claims and the dispositions or status of these claims.

### **DENIED CLAIMS:**

**Anne Romjue** filed a claim during the month of August, 2017 in the amount of \$4,505.64 for damage allegedly incurred to vehicles as the result of fallen tree branches. This claim has been reviewed by this office and has been **denied**.

**Chris Blann** filed a claim during the month of August, 2017 in the amount of \$13,096.93 for damage allegedly incurred to vehicle as the result of fallen tree branch. This claim has been reviewed by this office and has been **denied**.

**Steven Loos** filed a claim during the month of September, 2017, in the amount of \$800.00 for damage allegedly incurred to vehicle as the result of fallen tree. This claim has been reviewed by this office and has been **denied**.

**Denise L. Fazel** filed a claim during the month of September, 2017, in the amount of \$857.44 for damage allegedly incurred to vehicle when struck by a piece of broken street concrete. This claim has been reviewed by this office and has been **denied**.

**Tara Merkwon** filed a claim during the month of September, 2017, in the amount of \$345.00 for damage allegedly incurred to gutter as the result of fallen tree branch. This claim has been reviewed by this office and has been **denied**.

**Robert A. Benedict** filed a claim during the month of September, 2017, in the amount of \$5,121.07 for alleged damage incurred to vehicle in May of 2015 as the result of fallen tree limb. This claim has been reviewed by this office and has been **denied**.

**Cathy L. Smith** filed a claim during the month of October, 2017, in the amount of \$225,000 for damages incurred as the result of accident involving a vehicle that was allegedly being pursued by Lincoln police. This claim has been reviewed by this office and has been **denied**.

**State Farm Insurance as subrogee of Carole Amateis** filed a claim during the month of October, 2017, in the amount of \$2,381.38 for damage incurred to insured's vehicle when parked in alley behind 1005 O Street and struck by a recycling dumpster. This claim has been reviewed by this office and has been **denied**.

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

**Black Hills Energy** filed a claim during the month of June, 2017 in the amount of \$1,360.88 for damage to gas line at 5411 London Road. This claim has been reviewed by this office and has been **allowed** in the amount of \$1,360.88.

**Brenda Wilcher** filed a claim during the month of August, 2017, in the amount of \$768.33 for damage incurred to vehicle when struck by a police vehicle. This claim has been **settled** by the Risk Management Office in the amount of \$768.33.

**Tanya Smith** filed a claim during the month of September, 2017, in the amount of \$1,556.67 for damage incurred to vehicle as the result of accident involving a police vehicle. This claim has been **settled** by the Risk Management Office in the amount of \$1,556.67.

#### **PENDING CLAIMS:**

**Farmers Mutual of Nebraska as subrogee of Ward Hoppe LLC** filed a subrogation claim during the month of February, 2016, in the amount of \$9,693.56 for damage incurred to insured's property when it was struck by a vehicle operated by an individual who was fleeing arrest. This claim is under review and is **pending**.

**Mike Morosin** filed a claim during the month of March, 2016, in the amount of \$31,275.00 for personal property removed from claimant's property 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 May, 2016, in the amount of \$1,844.57 for damage allegedly incurred to cable by L.E.S. contractor. This claim is **pending** review and ratification by L.E.S. Administrative Board.

**Kurt and Nanette Olsen** filed a claim during the month of December, 2016, in the amount of \$4,403.27 for damages allegedly incurred to vehicle and gutter as the result of fallen tree limbs. This claim is under review and is **pending**.

**Yankee Hill Brick** filed a claim during the month of February, 2017, in the amount of \$152,059 for damage to equipment and loss of production costs associated with electrical power outage. This claim is **pending** review and ratification by L.E.S. Administrative Board.

**State Farm Insurance as subrogee of Donald Strait** filed a subrogation claim during the month of April, 2017, in the amount of \$5,075.84 for damage incurred to insured's vehicle as the result of accident involving a City vehicle. This claim is under review and is **pending**.

**State Farm Insurance as subrogee of Brock Ambroz** filed a subrogation claim during the month of April, 2017, in amount of \$4,607.10 for medical benefits paid on behalf of insured as the result of accident involving a City vehicle. This claim is under review and is **pending**.

**Ally Financial** filed a claim during the month of April, 2017, in the amount of \$10,631.00 for vehicle sold at auction. This claim is under review and is **pending**.

**Walt C. Broer/JB Equestrian Academy** filed a claim during the month of May, 2017, in an unspecified amount for declaratory and injunctive relief relating to Pioneers Park bridge path. This claim is under review and is **pending**.

**George Skorohod** filed a claim during the month of May, 2017, in the amount of \$15,551.25 for damage incurred to mower by a nylon rope that claimant alleges was left in grass on claimant's property after L.E.S. had been working in the area. This claim is **pending** review and ratification by L.E.S. Administrative Board.

**Sara Powell** filed a claim during the month of June, 2017, in the amount of \$869.70 for damage incurred as the result of sanitary sewer back-up. This claim is under review and is **pending**.

**Robert Welch** filed a claim during the month of June, 2017, in an unspecified amount for alleged damage incurred to windshield from a piece of metal thrown from a City mower. This claim is under review and is **pending**.

**City of Lincoln** filed a claim against Lincoln Electric System during the month of June, 2017, in the amount of \$2,551.00 for hazmat response by Lincoln Fire and Rescue for gas line that was hit by L.E.S. at 500/506 Pier 1. This claim is **pending** review and ratification by L.E.S. Administrative Board.

**City of Lincoln** filed a claim against Lincoln Electric System during the month of June, 2017, in the amount of \$1,495.00 for hazmat response by Lincoln Fire and Rescue for gas line that was hit by L.E.S. at 56th and R Street. This claim is **pending** review and ratification by L.E.S. Administrative Board.

**Phoenix Loss Control on behalf of Charter Communications** filed a claim during the month of July, 2017, in the amount of \$894.48 for alleged damage incurred to cable by L.E.S. contractor installing street lights. This claim is **pending** review and ratification by L.E.S. Administrative Board.

**Enriqueta Andrade Guerrero** filed a claim during the month of August, 2017, in an unspecified amount for damage incurred to vehicle as the result of accident involving a Parks vehicle. **Progressive Insurance** filed a subrogation claim during the month of October, 2017 for medical payments made as a result of the accident. This claim is under review and is **pending**.

**Leroy Meints** filed a claim during the month of August, 2017, in the amount of \$94.89 for damage allegedly incurred to lawn mower tire as the result of a bolt protruding from pole. This claim is **pending** review and ratification by L.E.S. Administrative Board.

**Lydia Russell** filed a claim during the month of August, 2017, in the amount of \$414.00 for damage allegedly incurred to fence during tree trimming by L.E.S. This claim is **pending** review and ratification by L.E.S. Administrative Board.

**Elizabeth Park Association** filed a claim during the month of August, 2017, in the amount of \$227.04 for damage allegedly incurred to sprinkler system during excavation by L.E.S. This claim is **pending** review and ratification by L.E.S. Administrative Board.

**Brian and Linda Iverson** filed a claim during the month of August, 2017, in an unspecified amount for damage allegedly incurred to fence when L.E.S. was working in right-of-way near claimant's property. This claim is **pending** review and ratification by L.E.S. Administrative Board.

**Bradley Cain and Rosena Startzman** filed a claim during the month of August, 2017, in the amount of \$4,600 for damage allegedly incurred to sewer line by L.E.S. This claim is **pending** review and ratification by L.E.S. Administrative Board.

**Phoenix Loss Control on behalf of Charter Communications** filed a claim during the month of August, 2017, in the amount of \$455.00 for damage allegedly incurred to Charter Communications equipment by L.E.S. This claim is **pending** review and ratification by L.E.S. Administrative Board.

**Adam Templeton** filed a claim during the month of August, 2017, in the amount of \$103.90 for cost of hotel due to electric service being shut off. This claim is **pending** review and ratification by L.E.S. Administrative Board.

**Paul Westbrook** filed a claim during the month of September, 2017, in an unspecified amount for allegedly damage incurred to vehicle as the result of fallen tree limbs. This claim is under review and is **pending**.

**Geico as subrogee of Deborah Warnke** filed a subrogation claim during the month of September, 2017, in the amount of \$1,860.33 for damage incurred to insured's vehicle when struck by a tree branch that fell after a truck hit the branch that was overhanging the street. This claim is under review and is **pending**.

**Charles Sales** filed a claim during the month of September, 2017, in the amount of \$35,000.00 for alleged civil rights violations when claimant was stopped, detained, and arrested by Lincoln police. This claim is under review and is **pending**.

**Nationwide as subrogee of Michael and Sandra Miller** filed a subrogation claim during the month of September, 2017, in the amount of \$2,119.88 for damage incurred to insured's vehicle as the result of accident involving a City vehicle. This claim is under review and is **pending**.

**Shannon Hunter** filed a claim during the month of September, 2017, in the amount of \$3,065.74 for damage incurred to vehicle when struck by an L.E.S. vehicle. This claim is under review and is **pending**.

**NEW CLAIMS FILED DURING THE PERIOD OF OCTOBER 1 THROUGH OCTOBER 15, 2017:**

**Terrance Williams and Kaneesha Mallory** filed a claim in the amount of \$1,000,000 for damages incurred as the result of incident at Ballard pool. This claim is under review and is **pending**.

**Terrance Williams and Kaneesha Mallory on behalf of Terranasia Williams** filed a claim in the amount of \$1,000,000 for damages incurred as the result of incident at Ballard pool. This claim is under review and is **pending**.

**Terrance Williams and Kaneesha Mallory on behalf of Terreniyah Williams** filed a claim in the amount of \$1,000,000 for damages incurred as the result of incident at Ballard pool. This claim is under review and is **pending**.

**Terrance Williams and Kaneesha Mallory on behalf of Terreonna Williams** filed a claim in the amount of \$1,000,000 for damages incurred as the result of incident at Ballard pool. This claim is under review and is **pending**.

**Don McCabe** filed a claim in the amount of \$741.71 for damage incurred to vehicle when struck by a light pole being transported by L.E.S. vehicle. This claim is under review and is **pending**.

**Century Sales and Management LLC** filed a claim in the amount of \$292.59 for expense incurred as the result of alleged failure by L.E.S. to properly process ownership transfer of electrical service to property recently acquired by claimant. This claim is **pending** review and ratification by L.E.S. Administrative Board.

**Tortuga Investments LLC** filed a claim in the amount of \$6,375.42 for damage allegedly incurred to sewer line when struck by L.E.S. contractor. This claim is **pending** review and ratification by L.E.S. Administrative Board.

**State Farm Insurance as subrogee of Ronald Bouwens** filed a claim in an unspecified amount for damage incurred to insured's vehicle as the result of accident involving StarTran bus. This claim is under review and is **pending**.

**Jennifer and Sakphap Tep** filed a claim in the amount of \$4,000 for alleged damages incurred as the result of flooding in basement that occurred when new water meter was installed. This claim is under review and is **pending**.

**Cincinnati Insurance as subrogee of Swanson Sinkey Ellis, Inc.** filed a claim in an unspecified amount for damages incurred to insured's property as the result of sewer back-up. This claim is under review and is **pending**.

**Margaret Lichty** filed a claim in the amount of \$2,480.00 for damage incurred to home as the result of fallen tree limbs from tree located on Densmore Park. Claimant is also seeking reimbursement of expense incurred for trimming the subject tree. This claim is under review and is **pending**.

**PENDING TORT LITIGATION:**

**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. This claim was reviewed by this office and denial was approved by the Lincoln City Council on July 30, 2012. Suit has been filed in the Lancaster County Court and litigation is **pending**.

**John Crow** filed a claim during the month of October, 2012, in the amount of \$200,000 alleging that he was misclassified as an independent contractor and wrongfully terminated from his position as the PGA Professional for the Holmes Golf Course. This claim was reviewed by this office and denial was approved by the Lincoln City Council on November 19, 2012. Suit was filed in the Lancaster County District Court. On October 19, 2015, the District Court granted dismissal in favor of the City of Lincoln. Plaintiff appealed to the Nebraska Court of Appeals. The Court of Appeals affirmed the District Court's dismissal with prejudice of Crow's first cause of action (tort claim under the PSTCA) and second and third causes of action (inverse condemnation). The Court of Appeals reversed and remanded to the District Court for further

proceedings the dismissal with prejudice of Craw's fourth cause of action (due process and equal protection) and fifth cause of action (Nebraska Wage Payment and Collection Act). Litigation is **pending**.

**David E. Tarrence and Tamara K. Geis** filed a claim during the month of April, 2015, in the amount of \$2,700,000 for alleged damages resulting from the search of claimants' home and vehicles by Lincoln police. Suit has been filed in U.S. District Court and litigation is **pending**.

**Susan Dermer** filed a claim during the month of November, 2014, in the amount of \$10,226.02 for alleged damages incurred as the result of sewer backup on October 1, 2014. This claim was reviewed by this office and denial was approved by the Lincoln City Council on June 29, 2015. Suit has been filed in Lancaster County District Court and litigation is **pending**.

**Susan Dermer** filed a claim during the month of August, 2015, in the amount of \$44,593.61 for alleged damages incurred as the result of sewer backup on May 7, 2015. This claim was reviewed by this office and denial was approved by the Lincoln City Council on May 2, 2016. Suit has been filed in Lancaster County District Court and litigation is **pending**.

**Kathy Girard-Williams and Michael Williams** filed a claim during the month of August, 2016, in the amount of \$1,000,000 for alleged injury incurred when Ms. Girard-Williams was riding her bicycle and struck a tree branch hanging over sidewalk. This claim was reviewed by this office and denial was approved by the Lincoln City Council on October 24, 2016. Suit has been filed in Lancaster County District Court and litigation is **pending**.

**Barine Deezia** filed a claim during the month of April, 2016, in the amount of \$1,000,000 for alleged injuries incurred when claimant was arrested. Suit has been filed in U.S. District Court and litigation is **pending**.

**Progressive Insurance as subrogee of Billy Claudio** filed a claim during the month of April, 2016, in the amount of \$3,916.32 for damage incurred to insured's vehicle as the result of accident involving a Lincoln Fire and Rescue vehicle. This claim was reviewed by this office and denial was approved by the Lincoln City Council on May 16, 2016. Suit has been filed in Lancaster County Court and litigation is **pending**.

**Rose Marie Lunn** filed a claim during the month of November, 2016 in an unspecified amount for alleged injury incurred when claimant fell on the North 10th Street Pedestrian Bridge northwest of Memorial Stadium on September 17, 2016. This claim was reviewed by this office and denial was approved by the Lincoln City Council on December 19, 2016. Suit has been filed in Lancaster County District Court and litigation is **pending**.

**Terry Danek** filed a claim during the month of May, 2016, in the amount of \$28,310.35 for damage allegedly incurred as the result of sewer backup on May 7, 2015. Claimant withdrew his claim and filed suit in Lancaster County District Court. Litigation is **pending**.

**Heather Ross** filed a claim during the month of July, 2016 in the amount of \$1,000,000 for alleged injury incurred when claimant slipped and fell while entering the pool at Star City Shores. This claim was reviewed by this office and denial was approved by the Lincoln City Council on September 19, 2016. **Christopher Murphy** filed a claim during the month of November, 2016 in the amount of \$500,000 for alleged loss of consortium as the result of Ms. Ross's slip and fall at Star City Shores. This claim was reviewed by this office and denial was approved by the Lincoln City Council on December 5, 2016. Suit has been filed in Lancaster County District Court and litigation is **pending**.

Submitted by City Law Department  
c: Risk Management