

Exhibit "A"

October 16, 2014

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

RE: Report of Claims Against the City of Lincoln for October 1 through October 15, 2014

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, 2014. This report will describe the claims and the dispositions or status of these claims.

DENIED CLAIMS:

Ven Lanik filed a claim during the month of September, 2014, in the amount of \$473.23 for damage allegedly incurred to motor home as the result of low hanging tree branch over street. This claim has been reviewed by this office and has been **denied**.

Shellie Cornwell filed a claim during the month of October, 2014, in the amount of \$108.72 for damage incurred to her vehicle as the result of a pothole. This claim has been reviewed by this office and has been **denied**.

Michael Funk filed a claim during the month of October, 2014, in the amount of \$2,882.12 for damage incurred to his vehicle as the result of a fallen tree branch. This claim has been reviewed by this office and has been **denied**.

ALLOWED/SETTLED CLAIMS:

Dennette Wheeler filed a claim during the month of August, 2014, in an unspecified amount 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 \$6,356.22.

PENDING CLAIMS:

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**.

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**.

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**.

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**.

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**.

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**.

Travis Hoveling filed a claim during the month of November, 2013, in an unspecified amount for damages incurred as the result of an accident that occurred in the roundabout at 14th and Superior. Claimant alleges that the accident was proximately caused by the negligent development, construction, improvements, regulations and operation of the roundabout by the City. This claim is under review and is **pending**.

James McCown filed a claim during the month of December, 2013, in an unspecified amount for damage incurred to vehicle when allegedly struck by either a Lincoln Electric System vehicle or a Lincoln Water System vehicle. This claim is under review and is **pending**.

Shawnadee and Mark Morris filed a claim during the month of January, 2014, in an unspecified amount for damages incurred as the result of water main break. This claim is under review and is **pending**.

Jordan Kaiser filed a claim during the month of January, 2014, in an unspecified amount for damage incurred as the result of water main break. This claim is under review and is **pending**.

Doralu Streeter filed a claim during the month of January, 2014, in an unspecified amount for injury allegedly incurred when claimant fell on the 10th Street pedestrian overpass. This claim is under review and is **pending**.

Shere Lynn Sieckmeyer filed a claim during the month of February, 2014, in an unspecified amount for injury allegedly incurred as the result of fall on sidewalk. This claim is under review and is **pending**.

Jerry Spale filed a claim during the month of February, 2014, in the amount of \$21,500 for alleged injury incurred when claimant was a passenger on a StarTran bus that was involved in a motor vehicle accident. This claim is under review and is **pending**.

Jeffrey and April Morrison filed a claim during the month of February, 2014, in the amount of \$7,259.00 for damage incurred as the result of water main break. This claim is under review and is **pending**.

Shayla Funk filed a claim during the month of March, 2014, in the amount of \$1,200,000 alleging she was falsely arrested by Lincoln police. This claim is under review and is **pending**.

Jennifer Woodard and Joseph Rolenc filed a claim during the month of March, 2014, in the amount of \$30,000 for damages incurred when an overhead traffic signal pole fell on claimants' vehicle. This claim is under review and is **pending**.

Troy Hough filed a claim during the month of April, 2014, in the amount of \$175.00 for damage allegedly incurred to fence when struck by L.E.S. equipment. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

Cheever Construction filed a claim during the month of April, 2014, in the amount of \$85,526.00 for payment of roof repair at 6117 Havelock Avenue resulting from Urban Development loan activities involving the property. This claim is under review and is **pending**.

Maureen Ellis filed a claim during the month of April, 2014, in an unspecified amount for damage incurred as the result of water main break. This claim is under review and is **pending**.

Tyler McManaman filed a claim during the month of May, 2014, in the amount of \$374,968.00 for injury incurred when claimant was arrested by Lincoln police. This claim is under review and is **pending**.

Lindsay Kracman and Jordon Khedir filed a claim during the month of May, 2014, in the amount of \$142.00 for cost of electrician to diagnose problem with L.E.S. service. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

Thomas Wilson filed a claim during the month of May, 2014, in the amount of \$1,054.59 for damage allegedly incurred to vehicle as the result of displaced manhole cover in street. This claim is under review and is **pending**.

Tobias Pelaez, Personal Representative of Estate of Fernando Pelaez Carmona filed a claim during the month of May, 2014, in the amount of \$1,000,000 alleging the death of Fernando Pelaez Carmona was caused by custodial conditions occurring during the time of his arrest by Lincoln police and his incarceration at the Lancaster County Correctional Center. This claim is under review and is **pending**.

Gretchen and Cory Hess filed a claim during the month of May, 2014, in the amount of \$505.00 for damage allegedly incurred to underground sprinkler system when electrical power lines were buried by L.E.S. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

Joshua Ryan Cozine and Anthony Charles Turner filed a claim during the month of May, 2014, in the amount of \$15,000 for alleged damages incurred as the result of actions by Library personnel. This claim is under review and is **pending**.

Kirk Botts filed a claim during the month of May, 2014, in the amount of \$150,000 alleging he was assaulted and illegally arrested by Lincoln police officers. This claim is under review and is **pending**.

Frank Oslzly filed a claim during the month of June, 2014, in the amount of \$25,000 alleging intentional infliction of emotional distress by employees of the City of Lincoln. This claim is under review and is **pending**.

Maurice Moore filed a claim during the month of June, 2014, in the amount of \$150,000 alleging illegal and discriminatory arrest and detention when he was arrested. This claim is under review and is **pending**.

Bonnie Phillips filed a claim during the month of June, 2014, in the amount of \$297.00 for damage incurred to fence when L.E.S. was trimming a tree and branch fell on fence. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

Nationwide Insurance as subrogee of Donald Flamme filed a claim during the month of June, 2014, in the amount of \$3,307.95 for damage incurred to insured's vehicle and medical benefits paid as the result of accident involving a police vehicle. This claim is under review and is **pending**.

Global Recovery Services as recovery agent for Ins. Co. of the State of Penn. as subrogee for RFG Distributing filed a claim during the month of June, 2014, in the amount of \$7,200.25 for damage incurred to vehicle as the result of accident involving a City snowplow. This claim is under review and is **pending**.

Union Bank and Trust filed a claim during the month of June, 2014, in the amount of \$2,170.57 for damage incurred to conduits and data lines to ATM which were allegedly cut by L.E.S. while installing new poles. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

Trinity United Methodist Church filed a claim during the month of June, 2014, in the amount of \$325.18 for damage allegedly incurred to sprinkler system as the result of sidewalk repair project. This claim is under review and is **pending**.

Mary Eisenhart filed a claim during the month of June, 2014, in the amount of \$10,817.74 for damage allegedly incurred to property as the result of the “re-engineering of the drainage area” near claimant’s property in 2012. This claim is under review and is **pending**.

Brian Dolph filed a claim during the month of June, 2014, in the amount of \$1,450.00 for damage allegedly incurred to driveway when a fire truck drove over it. This claim is under review and is **pending**.

William and DeLoyce Harris filed a claim during the month of July, 2014, in the amount of \$3,009.00 for damages allegedly incurred as the result of the execution of a “no knock” warrant by Lincoln police. This claim is under review and is **pending**.

Shoemaker’s Travel Center filed a claim during the month of July, 2014, in the amount of \$618.15 for damage allegedly incurred to conduits which were allegedly cut by L.E.S. while installing new poles. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

Phoenix Loss Control on behalf of Time Warner filed a claim during the month of July, 2014, in the amount of \$2,472.07 for damage allegedly incurred to cable by L.E.S. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

Van Coker filed a claim during the month of July, 2014, in the amount of \$774.00 for damage allegedly incurred to fence by L.E.S. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

Lydell Otley filed a claim during the month of July, 2014, in the amount of \$100.00 for damage allegedly incurred to sprinkler system by L.E.S. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

Airgas USA, LLC filed a claim during the month of July, 2014, in the amount of \$204.48 for damage allegedly incurred to sprinkler system by L.E.S. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

Nicole Ware filed a claim during the month of July, 2014, in the amount of \$120.57 for damage allegedly incurred to sprinkler system by L.E.S. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

State Farm Insurance as subrogee of Clifford Sibley filed a claim during the month of July, 2014, in an unspecified amount for damage allegedly incurred to insured’s vehicle at Elk’s baseball field parking lot. This claim is under review and is **pending**.

American Legion filed a claim during the month of July, 2014, in the amount of \$93.75 for damage allegedly incurred to sprinkler system by L.E.S. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

KI and Elizabeth Dayalu filed a claim during the month of July, 2014, in an unspecified amount for damage incurred to mailbox when it was allegedly struck by a street sweeper. This claim is under review and is **pending**.
Jon Noack filed a claim during the month of July, 2014, in the amount of \$168.00 for damage allegedly incurred to stereo receiver due to loss of electrical power. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

Mike Marsh filed a claim during the month of August, 2014, in the amount of \$700.00 for damage allegedly incurred to parking lot by L.E.S. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

Marilyn Schwartz filed a claim during the month of August, 2014, in the amount of \$350.00 for damage allegedly incurred to stone wall when a branch from a tree that L.E.S. was trimming fell on it. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

Phoenix Loss Control on behalf of Time Warner filed a claim during the month of August, 2014, in the amount of \$438.75 for damage allegedly incurred to cable when L.E.S. was installing a new utility pole. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

Arbor Day Foundation filed a claim during the month of August, 2014, in the amount of \$4,594.52 for damage allegedly incurred as the result of water main break that occurred during P Street construction. This claim is under review and is **pending**.

Elizabeth Bergman filed a claim during the month of August, 2014, in the amount of \$14,445.29 for injury allegedly incurred when claimant fell into an open drainage pipe after stepping off a StarTran bus. This claim is under review and is **pending**.

Farm Bureau as subrogee of Kevin Mendenhall filed a subrogation claim during the month of August, 2014, in the amount of \$4,036.00 for damage incurred to insured's vehicle as the result of accident involving a StarTran bus. This claim is under review and is **pending**.

Latitude Subrogation Services on behalf of Auto-Owners Insurance as subrogee of Scott Cratsenberg filed a claim during the month of August, 2014, in the amount of \$3,092.99 for damage incurred to insured's vehicle as the result of accident involving a City vehicle. This claim is under review and is **pending**.

Ruth Jensen filed a claim during the month of August, 2014, in the amount of \$50.00 for alleged injury incurred when claimant was a passenger on a StarTran bus. This claim is under review and is **pending**.

Kathleen Reinke filed a claim during the month of August, 2014, in the amount of \$44.90 for damage allegedly incurred to carbon monoxide detector as the result of interruption in electrical power. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

Stalla Tyson filed a claim during the month of August, 2014, in the amount of \$397.04 for damage allegedly incurred to sprinkler system by L.E.S. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

United Fire & Casualty Company as subrogee of Bouwens Plumbing filed a claim during the month of August, 2014, in an unspecified amount for damage incurred to property owned by Marcus Tooze when water shot off valves installed by Bouwens Plumbing and supplied by Lincoln Water System malfunctioned causing water damage. This claim is under review and is **pending**.

Danae Eitzmann filed a claim during the month of August, 2014, in an unspecified amount for damage incurred to vehicle as the result of accident involving a City vehicle. This claim is under review and is **pending**.

Rita Green filed a claim during the month of August, 2014, in the amount of \$500.00 for damage allegedly incurred as the result of water main break. This claim is under review and is **pending**.

Sears Roebuck & Co. filed a claim during the month of August, 2014, in an unspecified amount for loss of electrical service due to failure of L.E.S. lines. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

Southeast Community College filed a claim during the month of September, 2014, in the amount of \$13,214.75 for alleged damages incurred as the result of power outages that occurred when L.E.S. contractor was working in the area. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

Judy Levering filed a claim during the month of September, 2014, in the amount of \$500.00 for alleged damage incurred to sprinkler system during installation of sidewalk. This claim is under review and is **pending**.

Lynda S. King filed a claim during the month of September, 2014, 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**.

Bob and Karen Ravenscroft filed a claim during the month of September, 2014, in an unspecified amount for damage incurred to fence when L.E.S. was installing a new pole. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

Shana Anderson filed a claim during the month of September, 2014, in the amount of \$6,703.52 for injury incurred as the result of accident involving a StarTran bus. This claim is under review and is **pending**.

Black Hills Energy filed a claim during the month of September, 2014, in the amount of \$453.00 for damage incurred to gas line during curb and gutter replacement at 4711 South 58th Street. This claim is under review and is **pending**.

NEW CLAIMS FILED OCTOBER 1 THROUGH OCTOBER 15, 2014:

Kelly Wubbels filed a claim in the amount of \$55.00 for expense incurred to buff scratches on his vehicle that claimant alleges were caused by pedestrian traffic that was directed toward his vehicle by a Lincoln police officer. This claim is under review and is **pending**.

Aaron Funk filed a claim in the amount of \$2,988.20 for damage incurred to his vehicle as the result of accident involving a Parks vehicle. This claim is under review and is **pending**.

Judy Sinkler filed a claim in the amount of \$267.50 for damage incurred as the result of sanitary sewer back-up. This claim is under review and is **pending**.

Joe Chaloupka filed a claim in the amount of \$444.05 for damage incurred as the result of sanitary sewer back-up. This claim is under review and is **pending**.

Ernest L. Strasil filed a claim in an unspecified amount for damage incurred as the result of sanitary sewer back-up. This claim is under review and is **pending**.

Douglas House filed a claim in an unspecified amount alleging that his First, Fifth, and Fourteenth Amendment rights have been violated as the result of arrest by Lincoln police. This claim is under review and is **pending**.

Ashley Sams who is the surviving spouse of Stephen Sams filed a claim in an unspecified amount alleging the wrongful death of Stephen Sams who after his arrest by Lincoln Police attempted suicide in the jail and later died at the hospital. This claim is under review and is **pending**.

Rustam Islamov filed a claim in the amount of \$816.49 for alleged damage incurred to rental property as the result of action by Lincoln police during the service of a no knock warrant. This claim is under review and is **pending**.

Yolanda Williams filed a claim in an unspecified amount for damage incurred as the result of sanitary sewer back-up. This claim is under review and is **pending**.

Hillary and Shawn Pospisil filed a claim in the amount of \$2,125.00 for damage incurred as the result of sanitary sewer back-up. This claim is under review and is **pending**.

Ivan and Inna Strilkivsky filed a claim in the amount of \$2,534.00 for damage incurred as the result of sanitary sewer back-up. This claim is under review and is **pending**.

Kathy Casement filed a claim in the amount of \$370.89 for alleged damage incurred to tire as the result of displaced manhole cover in the street. This claim is under review and is **pending**.

Marvin Griggs filed a claim in the amount of \$680.00 for damage incurred as the result of sanitary sewer back-up. This claim is under review and is **pending**.

Rhonda Bothe filed a claim in the amount of \$1,190.00 for damage incurred as the result of sanitary sewer back-up. This claim is under review and is **pending**.

Todd Garrison filed a claim in the amount of \$608.58 for damage incurred as the result of sanitary sewer back-up. This claim is under review and is **pending**.

Kyle Schwaninger filed a claim in the amount of \$4,140.00 for damage incurred as the result of sanitary sewer back-up. This claim is under review and is **pending**.

James and Juelle Holz filed a claim in the amount of \$8,282.47 for damage incurred as the result of sanitary sewer back-up. This claim is under review and is **pending**.

Albert Sherman filed a claim in the amount of \$874.13 for damage incurred as the result of sanitary sewer back-up. This claim is under review and is **pending**.

Runza Restaurant filed a claim in the amount of \$5,008.87 for alleged damage incurred as the result of interruption of electrical power. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

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. Suit was filed in the Lancaster County District Court. 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. 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. 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. This claim was withdrawn and suit was filed in the Lancaster County District Court. The case has been transferred to the U.S. 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**.

Leroy Duffie filed a claim during the month of August, 2012, in the amount of \$200,000 alleging that he was injured during an incident involving Lincoln police. This claim was withdrawn and suit was filed in Lancaster County District Court. The case has been transferred to the U.S. 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**.

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**.

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**.

Michael Lecher filed a claim during the month of December, 2012, in the amount of \$250,000 alleging that Lincoln police officers used excessive force when arresting him. This claim was reviewed by this office and denial was approved by the Lincoln City Council on March 25, 2013. Suit was filed in Lancaster County District Court. Litigation is **pending**.

Nationwide Insurance Co. as subrogee of Insured, James and Marti Harris filed a claim during the month of April, 2013, in the amount of \$9,799.42 for damage incurred to Insured's vehicle as the result of accident involving a police vehicle. This claim was reviewed by this office and denial was approved by the Lincoln City Council on June 17, 2013. Suit was filed in Lancaster County Court. Litigation 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 was withdrawn and suit was filed in the Lancaster County District Court. Litigation 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. Suit was filed in the Lancaster County District Court. 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. Litigation is **pending** in the Lancaster County District Court.

Submitted by City Law Department
c: Risk Management