

Exhibit "A"

November 1, 2002

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

RE: Report of Claims Against the City of Lincoln for October 16 through 31, 2002

Dear Mayor & Council:

The following is a report of new and pending claims against the City of Lincoln, as well as claims which have been disposed of, for the period of October 16 through October 31, 2002. This report shall indicate the types of claims filed and the status and dispositions of these claims.

CLAIMS FILED IN PREVIOUS MONTHS:

Roland F. Bouska filed a claim during the month of September, 2000, in the amount of \$10,000 for alleged damages incurred as the result of an accident involving a Lincoln police vehicle. This claim has been referred to the City's fleet carrier and is **PENDING**.

County of Lancaster filed a claim during the month of October, 2001, for medical expenses incurred as the result of an arrest by Lincoln police of an individual who was taken to the hospital for treatment of injuries allegedly incurred during his arrest. The County alleges that they inadvertently paid for part of the medical expenses. This claim is under review and is **PENDING**.

Amy Bruning filed a claim during the month of December, 2001, in an unspecified amount for alleged injuries incurred as the result of a motor vehicle accident wherein claimant was a passenger in a vehicle that was in collision with a Lincoln police cruiser. This claim has been referred to the City's fleet carrier and is **PENDING**.

Allen Hall filed a claim during the month of February, 2002, in the amount of \$50,000 for alleged damages incurred as the result of an accident involving a City police cruiser. This claim has been referred to the City's fleet carrier. The claim is **PENDING**.

Patricia and James Dodson filed a claim during the month of March, 2002, in the amount of \$4,913.83 on behalf of their minor daughter, Jean Dodson. Jean Dodson, who was playing keyboard with her high school pep band at State Basketball Tournaments at Pershing Auditorium, allegedly received an electrical shock while adjusting an amplifier which was connected to an extension cord supplied by Pershing Auditorium. Claimants alleged that the extension cord was faulty. This claim has been referred to the insurer for Pershing Auditorium and is **PENDING**.

Neil and April Kringle and Neil and April Kringle on behalf of their minor child, Blake Kringle, filed a claim during the month of May, 2002, in the amount of \$1,000,000 for damages allegedly incurred when Blake Kringle fell off of his bicycle and into a culvert. This claim is under review and is **PENDING**.

Lois Lockman filed a claim during the month of June, 2002, in the amount of \$500,000 for alleged injury incurred as the result of a trip and fall on sidewalk. This claim is under review and is **PENDING**.

Lincoln Baptist Church filed a claim during the month of July, 2002, in the amount of \$173.36 for damage to window allegedly incurred as the result of a baseball from the "F" Street Recreation Center. This claim has been reviewed by this office and has been **ALLOWED** in the amount of \$173.36.

Harriet Abels filed a claim during the month of July, 2002, in an unspecified amount for injury and damage incurred to eyeglasses allegedly incurred as the result of a trip and fall on sidewalk. This claim is under review and is **PENDING**.

Harold K. Cosier filed a claim during the month of July, 2002, in the amount of \$9,750.00 for alleged damages incurred as the result of an accident involving a vehicle that was allegedly fleeing from Lincoln police. This claim has been reviewed by this office and has been **DENIED**.

Rena Francis S. Paulo and her minor daughter, Yasmin Nasur, filed a claim during the month of August, 2002, for property damage in the amount of \$2,129.83 resulting from a motor vehicle accident involving a Lincoln police vehicle. The driver of the vehicle, Yasmin Nasur, and a passenger, Aduot Abdalla, went to the emergency room after the accident due to neck pain. The property damage portion of this claim has been settled by the Risk Management Office in the amount of \$700. The injury claims of Yasmin Nasur and Aduot Abdalla are **PENDING**.

Joel and Suzann Butler filed a claim during the month of September, 2002, 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**.

Theresa Yonker filed a claim during the month of September, 2002, in an unspecified amount for alleged damages incurred as the result of claimant's termination from City employment. This claim is under review and is **PENDING**.

Duane Benck filed a claim during the month of September, 2002, in the amount of \$146.43 for damage incurred when a traffic counter cable across the road came loose causing damage to his tire. This claim is under review and is **PENDING**.

Linda Schreier filed a claim during the month of September, 2002, in the amount of \$13,310.49 for injury incurred while claimant was a passenger on a StarTran bus. This claim has been reviewed by this office and has been **SETTLED** in the amount of \$6,000.

Jon and Julie Grubb filed a claim during the month of September, 2002, in the amount of \$911.64 for expenses incurred as the result of a sanitary sewer back-up at claimants' rental property. This claim is under review and is **PENDING**.

David M. Stading filed a claim during the month of September, 2002, in the amount of \$1,418.95 for damages incurred as the result of an accident involving a StarTran bus. This claim has been reviewed by this office and has been **SETTLED** in the amount of \$816.14. Blue Cross Blue Shield of Nebraska has filed a subrogation notice for benefits it paid on behalf of David Stading. Blue Cross Blue Shield's subrogation claim is **PENDING**.

Donald and Sylvia Finke filed a claim during the month of September, 2002, in the amount of \$13,137.52 for damages incurred as the result of a sanitary sewer back-up. This claim is under review and is **PENDING**.

Ron Hinkley, R.D. Hinkley & Associates, Inc., filed a claim during the month of September, 2002, in the amount of \$3,070.37 for expenses incurred as the result of a sanitary sewer back-up at rental property. This claim has been reviewed by this office and has been **ALLOWED** in the amount of \$3,070.37.

Mr. & Mrs. Charles Cooper filed a claim during the month of October, 2002, in the amount of \$1,027.68 for damages incurred as the result of a sanitary sewer back-up. This claim is under review and is **PENDING**.

Cameron and Jodi Grabast filed a claim during the month of October, 2002, in an unspecified amount for damages incurred as the result of a sanitary sewer back-up. This claim is under review and is **PENDING**.

Karen Rice filed a claim during the month of October, 2002, in the amount of \$300 for damage incurred to her vehicle when she drove through tar that had been spilled on the street. This claim is under review and is **PENDING**.

Joseph and Deb Schwartztrauber, filed a claim during the month of October, 2002, on behalf of their minor daughter, Katherine Schwartztrauber, for injury incurred when Katherine was riding her bicycle onto the sidewalk at Coddington Park when her bicycle went off the edge of the sidewalk causing her to fall. This claim is under review and is **PENDING**.

Stanley J. Karel filed a claim during the month of October, 2002, in the amount of \$587.45 for damage allegedly incurred to his vehicle when it was struck by a fallen tree branch. This claim has been reviewed by this office and has been **DENIED**.

Mike Spealman and Abigail Beethe filed a claim during the month of October, 2002, in the amount of \$639.99 for damages incurred as the result of a sanitary sewer back-up. The claim of Abigail Beethe in the amount of \$400 has been **SETTLED** in the amount of \$150. The claim of Mike Spealman in the amount of \$239.99 is **PENDING**.

Damon Saltzman filed a claim during the month of October, 2002, in an unspecified amount for damage allegedly incurred to his vehicle as the result of a pothole in the street. This claim has been reviewed by this office and has been **DENIED**.

Roma J. Smith filed a claim during the month of October, 2002, in the amount of \$60.00. Claimant alleges that, after the police investigation of a motor vehicle fatality accident, money that was allegedly in the possession of her deceased husband was not returned to her. This claim has been reviewed by this office and has been **DENIED**.

CLAIMS FILED OCTOBER 16 THROUGH OCTOBER 31, 2002:

Prudential Insurance Co. filed a claim in the amount of \$699.17 on behalf of its insureds, Andrew and Tammy Ingwerson, for damage allegedly incurred to Insureds' vehicle as the result of an accident involving a StarTran bus. This claim has been reviewed by this office and has been **DENIED**.

Shelly Berck filed a claim in the amount of \$681.85 for alleged damages incurred as the result of a sanitary sewer back-up. This claim is under review and is **PENDING**.

Donald W. Rohla filed a claim in the amount of \$315.80 for yellow street paint on his vehicle. This claim is under review and is **PENDING**.

Russell Shafer filed a claim in the amount of \$361.45 for damage incurred to his vehicle when an "F" Street Rec Center van was parked too close to claimant's vehicle allegedly causing the van door to strike claimant's vehicle. This claim has been reviewed by this office and has been **ALLOWED** in the amount of \$361.45.

Titus Ganger filed a claim in the amount of \$187.24 for alleged damage incurred to tires at City landfill. This claim has been reviewed by this office and has been **DENIED**.

State Farm Insurance Co. filed a claim in the amount of \$771.37 on behalf of its insureds, Donald and Bernadette Vandewalker, for damage incurred to Insureds' vehicle when it was struck by a City-owned vehicle. This claim has been reviewed by this office and has been **ALLOWED** in the amount of \$771.37.

Nancy K. Carpenter filed a claim in an unspecified amount for injury allegedly incurred while a passenger on a StarTran bus. This claim has been reviewed by this office and has been **DENIED**.

State Farm Insurance filed a claim in the amount of \$1,120.60 on behalf of its Insured, Eugene T. Arnold, for damage incurred to Insured's vehicle when it was struck by an Animal Control vehicle. This claim has been **SETTLED** by the Risk Management Office in the amount of \$1,120.60.

Karen Kuster filed a claim in the amount of \$2,438.62 for damage incurred to her vehicle when it was struck by a Parks & Rec vehicle. This claim is under review and is **PENDING**.

State Farm Insurance filed a claim in the amount of \$1,880.00 on behalf of its Insured, Melissa A. Francis, for damage incurred to Insured's vehicle when it was struck by a StarTran bus. This claim has been **SETTLED** by the Risk Management Office in the amount of \$1,880.00.

Elizabeth Tufts filed a claim in the amount of \$1,000,000 for injury incurred when claimant was a passenger in a police vehicle that was involved in an accident. This claim has been reviewed by this office and has been **DENIED**.

Kym Pinkerton filed a claim in the amount of \$48.15 for road tar on vehicle. This claim has been reviewed by this office and has been **DENIED**.

Nathaniel Jordan filed a claim in an unspecified amount for clothing which was destroyed by Police Property. The Police Property Division sent a notice to claimant on 9/6/2002. Claimant attempted to

pick clothing up on 10/22/2002, however, clothing had been destroyed on 10/15/2002. Because claimant failed to claim clothing in a timely manner, the claim has been **DENIED**.

Lincoln Little Chiefs/Little League Baseball filed a claim in an unspecified amount for missing lawn mower that was being stored in a shed at a Parks & Rec baseball field. This claim is under review and is **PENDING**.

Gerald McAuliffe filed a claim in an unspecified amount for damages incurred as the result of a water main break. This claim is under review and is **PENDING**.

Alan More filed a claim in the amount of \$75.00 for damage allegedly incurred to his vehicle when claimant was being arrested by Lincoln police. This claim has been reviewed by this office and has been **DENIED**.

Capital City Auto Sales filed a claim for a vehicle (1981 Ford Mustang) that had been towed for interfering with the use of street and was salvaged. Capitol City Auto Sales was claiming a lien in the amount of \$461.00 on the vehicle. Per state statute, if an abandoned vehicle has no current plates and is valued at less than \$250, title shall immediately vest in the local authority. Since the vehicle was valued at less than \$100, it was salvaged. Therefore, the claim of Capital City Auto Sales has been **DENIED**.

David Peer filed a claim in the amount of \$544.19 for damage incurred to vehicle as the result of a displaced manhole cover. This claim is under review and is **PENDING**.

Erin McGovern filed a claim in the amount of \$294.56 for damage incurred to her vehicle when it was struck by a City-owned vehicle. This claim has been reviewed by this office and has been **ALLOWED** in the amount of \$294.56.

Sharnick Compton filed a claim in an unspecified amount for alleged damages incurred when Lincoln Police entered her residence to arrest claimant on a warrant. This claim has been reviewed by this office and has been **DENIED**.

Roger Downs filed a claim alleging he was wrongfully arrested and detained by Lincoln Police. This claim has been **SETTLED** in the amount of \$750.00.

Brian Reinwald filed a claim in the amount of \$2,108.70 for damage incurred to his vehicle at the City landfill. This claim has been **SETTLED** by the Risk Management Office in the amount of \$2,108.70.

PENDING TORT LITIGATION:

Woo Yol Chung filed a claim during the month of March, 1999, in the amount of \$1,000,000 for injuries incurred while working in the Lincoln-Lancaster County Hall of Justice and Law Enforcement Center. This claim was addressed to the Lincoln City Council, but the claim itself is a claim against the Lincoln-Lancaster County Public Building Commission. Counsel for claimant, by letter of June 2, 1999, asserted that his client has filed a claim against the City of Lincoln. Counsel for Mr. Chung was advised that the alleged claim has not been filed against the City of Lincoln and it was recommended to the Lincoln City Council not to consider the March 2, 1999, letter nor the June 2, 1999, letter. On November 16, 1999, counsel for Mr. Chung filed a petition in the Lancaster County District Court against the City of Lincoln, County of Lancaster, Lincoln/Lancaster County Public Building Commission, and Builders, Inc. The City of Lincoln has been **DISMISSED** from the suit.

The Estate of Rachel Quintana and her children, Catalina Quintana, Thomas Quintana, Randy Quintana, Samuel Quintana, Felisa Quintana, and Victoria Gallegos, filed a claim in the amount of \$500,000 during the month of November, 1999, for damages incurred when Rachel Quintana fell from her wheelchair while exiting a StarTran Handivan. Counsel for claimants withdrew his clients' claim on July 6, 2000, and filed a petition in the Lancaster County District Court on July 20, 2000. Litigation is **PENDING**.

Gail P. Frasier filed a claim during the month of December, 1999, in an unspecified amount for alleged injury incurred as the result of falling on a sidewalk. This claim was reviewed by this office and denial was approved by the City Council on January 20, 2000. Counsel for claimant filed a petition in the Lancaster County District Court on September 25, 2000. Plaintiff prays for special damages in the amount of \$13,500 and general damages. Litigation is **PENDING**.

Brian Harman filed a claim during the month of October, 1999, in an unspecified amount for alleged injuries incurred as the result of a motor vehicle accident involving a City-owned vehicle. Claimant was a passenger in a vehicle that was rear-ended by a City-owned vehicle. This claim was referred to the City's fleet carrier. Counsel for claimant withdrew his client's claim on October 6, 2000, and filed a petition in the Lancaster County District Court on October 9, 2000. Plaintiff prays for special damages in the amount of \$2,500 and general damages. Litigation is **PENDING**.

Lori J. Shipferling filed a claim during the month of August, 1997, in an unspecified amount for injury incurred when claimant stepped onto an alleged defective meter vault lid. This claim was reviewed by this office and denial was approved by the City Council on March 16, 1998. Ms. Shipferling filed suit in the Lancaster County District Court against Gale and Carolyn Cook, the owners of the property where the meter vault is located, and the Cooks have filed a Third Party Petition against the City of Lincoln. Pursuant to jury verdict returned on January 28, 2002, judgment was entered in favor of defendants and against Plaintiff Shipferling. Counsel for Plaintiff filed a motion for new trial, which motion was overruled. On March 27, 2002, Plaintiff filed a notice of appeal to the Nebraska Court of Appeals. Litigation is **PENDING**.

Mark Hundley filed a claim during the month of May, 2000, for damages incurred when he was struck by a rock while riding his motorcycle. Claimant alleges the rock was thrown from a City mowing machine. This claim was reviewed by this office and denial was approved by the City Council on July 31, 2000. Counsel for claimant filed a petition in the Lancaster County District Court on December 1, 2000. Plaintiff prays for special damages in the amount of \$979.92 and general damages. Litigation is **PENDING**.

Dale S. Nelson filed a claim during the month of October, 2000, in the amount of \$1,000,000 for alleged damages incurred as the result of a motor vehicle accident. Claimant alleges that the accident was the result of a police pursuit of a vehicle which struck his vehicle. Counsel for claimant withdrew his client's claim on May 2, 2001, and filed a petition in the Lancaster County District Court on May 3, 2001. Litigation is **PENDING**.

Summer P. Thomason filed a claim during the month of August, 2000, in the amount of \$1,000,000 for damages incurred as the result of a motor vehicle accident involving a vehicle driven by claimant and a vehicle driven by Teresa Zuerlein, a Health Department employee. This claim was referred to the City's fleet carrier and was denied. Denial of this claim was approved by the City Council on March 5, 2001. Counsel for claimant filed a petition in the Lancaster County District Court on May 3, 2001. Litigation is **PENDING**.

Cindy Schumacher filed a claim during the month of December, 2000, in the amount of \$500,000 for alleged injury incurred when claimant was allegedly struck by a water bottle that was thrown into the stands by a cheerleader at a Lincoln Lightning football game at Pershing Auditorium. Counsel for claimant withdrew his client's claim on August 13, 2001, and filed a petition in the Lancaster County District Court on August 15, 2001. Litigation is **PENDING**.

Sharon Mitchell filed a claim during the month of March, 2001, in an unspecified amount for damages allegedly incurred as the result of a pothole in an alley. This claim was reviewed by this office and denial of this claim was approved by the City Council on June 4, 2001. Counsel for claimant filed a petition in the Lancaster County Court on September 24, 2001. Plaintiff prays for special damages in the amount of \$4,014.13, general damages, interest, and costs of action. Litigation is **PENDING**.

Jason Blair filed a claim during the month of December, 2000, for injuries incurred as the result of a motor vehicle accident which was allegedly related to a police chase. This claim was reviewed by this office and denial of this claim was approved by the City Council on September 17, 2001. Counsel for claimant filed a petition in the Lancaster County District Court on September 26, 2001. Plaintiff prays for judgment in the amount of \$10,875.23, general damages, and costs of action. Litigation is **PENDING**.

Clinton Brooks filed a claim during the month of March, 2001, in an unspecified amount for alleged damages incurred when he allegedly slipped and fell on ice on the sidewalk in the area of 1400 "O" Street in Lincoln, Nebraska. This claim was reviewed by this office and denial of this claim was approved by the City Council on May 14, 2001. On December 7, 2001, counsel for claimant filed a petition in the Lancaster County District Court naming as defendants The Hamid Corporation, Crosstown Investment Co., Inc., and the City of Lincoln. This case has been **SETTLED** in the amount of \$9,000, each defendant to pay to the plaintiff \$3,000 each.

Robert Blankenship filed a claim during the month of December, 2000, for injuries incurred as the result of a motor vehicle accident which was allegedly related to a police chase. This claim was reviewed by this office and denial of this claim was approved by the City Council on September 17, 2001. Counsel for claimant filed a petition in the Lancaster County District Court on December 20, 2001. Litigation is **PENDING**.

Theodore Wilcox filed a claim during the month of May, 2001, in the amount of \$100,000 for alleged injury incurred when he allegedly fell in a hole after exiting a StarTran bus. This claim was reviewed by this office and denial of this claim was approved by the City Council on September 17, 2001. Counsel for claimant filed a petition in the Lancaster County District Court on December 17, 2001. Litigation is **PENDING**.

The Personal Representative for the Estate of Mildred Youngquist filed a claim during the month of May, 2001, in an unspecified amount for alleged damages incurred when Mildred Youngquist fell out of her wheelchair on a StarTran bus. Counsel for claimant filed a petition in the Lancaster County District Court on April 18, 2002. Litigation is **PENDING**.

Richard Hedrick filed a claim during the month of November, 2001, in the amount of \$50.00 for expenses incurred for the repair of water service to his rental property allegedly arising from the replacement of the main line connected to the property. This claim was reviewed by this office and denial of this claim was approved by the City Council on January 28, 2002. Richard Hedrick filed a claim in the Small Claims Court on June 3, 2002, wherein he claimed damages in the amount of \$300.

The case has been transferred from the Small Claims Court to the Civil Docket of the Lancaster County Court. Litigation is **PENDING**.

State Farm Insurance Co. filed a subrogation claim during the month of November, 2000, regarding an accident involving a vehicle driven by their insured, Robin Baker, and a StarTran bus. This claim was reviewed by this office and denial of this claim was approved by the City Council on July 2, 2001. Counsel for Robin Baker filed a petition in the Lancaster County Court on June 5, 2002. Litigation is **PENDING**.

Leta Thompson filed a claim during the month of January, 2002, in the amount of \$15,000 for alleged injury incurred as the result of falling on a sidewalk. This claim was reviewed by this office and denial was approved by the City Council on February 25, 2002. Counsel for claimant filed a petition in the Lancaster County District Court on June 20, 2002. Litigation is **PENDING**.

Rex Miller filed a claim during the month of October, 2001, in the amount of \$20,000 for alleged injury incurred when the swing that claimant was swinging on at Ballard Park allegedly failed and dropped claimant to the ground. This claim was reviewed by this office and denial of this claim was approved by the City Council on January 14, 2002. Counsel for Rex Miller filed a petition in the Lancaster County District Court on June 27, 2002. Litigation is **PENDING**.

Mohamed A. El-Tabech filed a claim in an unspecified amount alleging that Lincoln Police violated his rights under the "Vienna Convention on Consular Relations Treaty" and that said violation has caused claimant the loss of his freedom. Claimant stated in his claim that he was arrested by Lincoln Police on June 24, 1984, convicted in the Lancaster County District Court of first degree murder, and sentenced to life imprisonment. This claim was reviewed by this office and denial of this claim was approved by the City Council on June 17, 2002. Mohamed A. El-Tabech filed a petition in the Lancaster County District Court on July 22, 2002. Litigation is **PENDING**.

Richard A. Eastep d/b/a Eastep's Wheels, Inc. filed a claim during the month of April, 2000, in the amount of \$56,102.00 for damage incurred to property as the result of a water main break. This claim was denied for the reason that claimant had not pursued the matter for over a year. Denial of this claim was approved by the City Council on January 14, 2002. Counsel for claimant filed a petition in the Lancaster County District Court on July 25, 2002. Richard and Laveda Eastep are praying for judgment in the amount of \$13,448.94 and Eastep's Wheels, Inc. is praying for judgment in the amount of \$53,075.70. Litigation is **PENDING**.

The Estate of J. Michael Lawlor and Sue Lawlor individually filed claims during the month of February, 2001, in unspecified amounts alleging negligence by Lincoln Fire Department personnel in their care and treatment of J. Michael Lawlor. Counsel for claimant withdrew his client's claim on February 20, 2002, for the purpose of initiating legal action. A petition was filed in the Lancaster County District Court on August 13, 2002. Litigation is **PENDING**.

Jacen Roper filed a claim during the month of June, 2002, in the amount of \$5,322.69 for damage incurred to his vehicle as the result of an accident involving a Lincoln police vehicle. This claim was reviewed by this office and denial of this claim was approved by the City Council on July 15, 2002. Counsel for Jacen Roper filed a petition in the Lancaster County District Court on August 20, 2002. Litigation is **PENDING**.

Dirk Allgood filed a claim during the month of August, 2001, in an unspecified amount for injury allegedly incurred when claimant tripped on an alleged defect in a pedestrian passageway underneath the BNSF railroad track line located on 1st Street between "G" and "H". This claim was reviewed by this office and denial of this claim was approved by the City Council on October 1, 2001. Counsel for Dirk Allgood filed a petition in the Lancaster County District Court on September 30, 2002. Litigation is **PENDING**.

Respectfully submitted,

James D. Faimon
Assistant City Attorney

JDF/skb
c: Risk Management