

Exhibit "A"

March 1, 2000

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

RE: Report of Claims Against the City of Lincoln for February 16 through 29, 2000

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 February 16 through February 29, 2000. This report shall indicate the types of claims filed and the status and dispositions of these claims.

**CLAIMS FILED IN PREVIOUS MONTHS:**

Nanci Cieslak filed a claim during the month of March, 1998, in the amount of \$86.95 for expenses incurred as the result of a sanitary sewer back-up. This claim was reported as settled in the amount of \$86.95 on the report of April 1, 1998, however, the claimant to date has not returned the release for the subject settlement. Accordingly, the claim is now being **CLOSED** for lack of response by the claimant.

Alan Patocka filed a claim during the month of July, 1998, in an unspecified amount for alleged injuries incurred when he fell out of his wheelchair on a StarTran bus. This claim is under review and is **PENDING**.

Robert Lott filed a claim during the month of September, 1998, in an unspecified amount for alleged damages incurred as a result of an accident involving a Lincoln police vehicle. This claim has been referred to the City's fleet carrier. The property damage portion of this claim has been paid in the amount of \$12,571.00. The bodily injury portion of this claim is **PENDING**.

Kevin Eggert filed a claim during the month of October, 1998, in the amount of \$150.00 for a circular saw that was sold at police auction. This claim was reported as settled in the amount of \$60.00 on the report of November 16, 1998, however, the claimant to date has not returned the release for the subject settlement. Accordingly, the claim is now being **CLOSED** for lack of response by the claimant.

Dianna L. Swinscoe filed a claim during the month of December, 1998, in the amount of \$80.00 for reimbursement of tow fees. This claim was reported as settled in the amount of \$35.00 on the report of January 4, 1999, however, the claimant to date has not returned the release for the subject settlement. Accordingly, the claim is now being **CLOSED** for lack of response by the claimant.

Geraldine Henderson filed a claim during the month of February, 1999, in the amount of \$45.00 for reimbursement of tow fees. This claim was reported as settled in the amount of \$45.00 on the report of March 16, 1999, however, the claimant to date has not returned the release for the subject settlement. Accordingly, the claim is now being **CLOSED** for lack of response by the claimant.

State Farm Insurance Company filed a subrogation claim during the month of April, 1999, in the amount of \$3,506.71 for expenses incurred on behalf of their insureds, Michael and Anamaria Jarecke, as the result of an accident involving the StarTran "fun" bus on July 31, 1998. This claim is under review and is **PENDING**.

Danius Roberts, Francis Roberts, Bobby Weaver, Jordan King, Daniel King and George Weaver filed a claim during the month of June, 1999, in an unspecified amount for alleged injuries sustained when they were passengers on the StarTran "fun" bus that was involved in an accident on July 31, 1998. This claim is under review and is **PENDING**.

Daniel J. & Elizabeth Elsener filed a claim during the month of July, 1999, in the amount of \$433.20 for alleged damage incurred to their vehicle when it was struck by a StarTran bus. This claim is under review and is **PENDING**.

Edward J. Burns filed a claim during the month of July, 1999, in the amount of \$843.35 for alleged damage incurred to his vehicle when it was struck by an unlicensed City vehicle driven by a temporary City employee. This claim is under review and is **PENDING**.

Sid Madlock and Anita Webb, parents of Alexandria and Antonio Madlock, filed a claim during the month of July, 1999, in the amount of \$30,000 for alleged injuries sustained when Alexandria and Antonio were passengers on the StarTran "fun" bus that was involved in an accident on July 31, 1998. This claim has been **DENIED** for lack of prosecution.

Greg Carlson filed a claim during the month of August, 1999, in the amount of \$456.94 for alleged damage incurred while unloading trailer at the Bluffs Road Landfill. This claim was reported as settled in the amount of \$50.00 on the report of September 16, 1999, however, the claimant to date has not returned the release for the subject settlement. Accordingly, the claim is now being **CLOSED** for lack of response by the claimant.

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 has been referred to the City's fleet carrier and is **PENDING**.

Jan M. Loftin filed a claim during the month of December, 1999, in the amount of \$1,876.00 for alleged damage incurred to her property as the result of a water main leak. This claim is under review and is **PENDING**.

Marc Matthews filed a claim during the month of December, 1999, in the amount of \$500,000 for alleged damages incurred as the result of claimant being injured by an electrical charge. Claimant alleges that Lincoln Electric System failed to disconnect the power supply from the pole to the house and that Lincoln Electric System allegedly informed claimant's employer that the power was shut off when it was not. This claim has been forwarded to Lincoln Electric System and is **PENDING**.

Margaret Nehring filed a claim during the month of January, 2000, in the amount of \$761.34 for alleged damage incurred to her vehicle when it was struck by a StarTran bus. This claim is under review and is **PENDING**.

Ida M. Epps filed a claim during the month of February, 2000, in the amount of \$415.20 for alleged injury incurred as the result of falling on sidewalk. This claim is under review and is **PENDING**.

**CLAIMS FILED FEBRUARY 16 THROUGH FEBRUARY 29, 2000:**

Joyce E. George filed a claim in the amount of \$82.65 alleging that her vehicle was sprayed with tar at the site of a street repair project. This claim is under review and is **PENDING**.

Dale P. Dunkle filed a claim in the amount of \$75.00 for alleged damage incurred to his golf club when a mower ran over it while it was lying on the ground at Pioneers Golf Course. This claim is under review and is **PENDING**.

Elva Raper filed a claim in the amount of \$1,632.00 for alleged damages incurred as the result of a sanitary sewer back-up at 5800 Knox Street. This claim is under review and is **PENDING**.

Coleen Warner filed a claim in the amount of \$168.42 for damage incurred to her vehicle when it was struck by a StarTran bus. This claim has been reviewed by this office and has been **ALLOWED** in the amount of \$168.42.

Rachael Brown filed a claim in the amount of \$77.00 alleging that her clothing and shoes were exposed to wet paint while riding on a StarTran bus. This claim is under review and is **PENDING**.

Monique Renee Falcon filed a claim in the amount of \$130.00 alleging that property which she reported stolen to Lincoln Police and which was recovered and being held in Police Property pending disposition of case has allegedly been lost. This claim is under review and is **PENDING**.

Samuel Wineberg and Deborah Cole filed a claim in the amount of \$200.00 for damage incurred to their home computer system as the result of power outages that allegedly occurred as the result of a sewer installation project that was being performed by a City contractor. This claim is under review and is **PENDING**.

**PENDING TORT LITIGATION:**

Philip H. Woodard filed a claim during the month of May, 1993, in an unspecified amount for alleged injuries incurred when he was struck by a City handi-van while he was riding his bicycle. Counsel for claimant filed a petition in the Lancaster County District Court on behalf of the claimant and his wife, Bessie Woodard, on March 22, 1996. Plaintiffs are seeking \$550,000, together with costs, in their first cause of action against the City of Lincoln and \$550,000, together with costs, in their second cause of action against Virgil Wells, the driver of the handi-van. An order dismissing this suit was entered by the Lancaster County District Court on February 13, 1997. Counsel for claimant filed an appeal on February 27, 1997. The Nebraska Court of Appeals affirmed the District Court's judgment on May 5, 1998, however, on or about February 24, 1999, the Nebraska Supreme Court reversed the judgment and the case is currently **PENDING** trial in the District Court on remand from the Supreme Court.

Weston F. & Betty Benjamin filed a claim during the month of July, 1994, against the City of Lincoln d/b/a Lincoln General Hospital in the amount of \$500,000 for alleged injuries incurred when a nurse allegedly improperly placed an intramuscular injection in Mr. Benjamin's hip. This claim has been referred to Lincoln General Hospital's insurance carrier. Counsel for claimant filed a petition in the Lancaster County District Court on May 30, 1996. Neil Danberg is the attorney assigned by Phico Insurance Company to undertake the defense of this case for the City of Lincoln d/b/a/ Lincoln General Hospital. Litigation is **PENDING**.

Bill L. and Becky A. Ocker filed a claim during the month of May, 1997, against the City of Lincoln d/b/a Lincoln General Hospital in the amount of \$2,500,000 for damages incurred as the result of alleged negligence by employees and agents of Lincoln General Hospital in failing to meet the applicable standard of care in the labor of Becky Ocker and the delivery of McKenzie Ocker resulting in permanent injuries to McKenzie Ocker. A claim in the amount of \$7,500,000 has also been filed on behalf of McKenzie Mae Ocker, by and through her parents and next friends, Bill L. and Becky A. Ocker. These claims have been referred to Phico Insurance Company, which is the hospital's liability carrier. Counsel for claimants has filed two petitions in the Lancaster County District Court on November 25, 1997. Mark Christensen is the attorney assigned by Phico Insurance Company to undertake the defense of this case for the City of Lincoln d/b/a Lincoln General Hospital. Litigation is **PENDING** in both cases.

Ron Glover filed a claim during the month of April, 1997, in the amount of \$250,000 for alleged personal injuries resulting from emotional distress and breach of confidentiality rights. Counsel for claimant withdrew his client's claim on November 14, 1997, and filed a petition in the U.S. District Court on December 4, 1997. On August 3, 1999, U.S. District Judge Warren Urbom dismissed the City of Lincoln and the 10 unnamed police officers. Glover has appealed the ruling to the 8th U.S. Circuit Court of Appeals. Case is **PENDING**.

Mollie Keller filed a claim during the month of August, 1997, against the City of Lincoln d/b/a Lincoln General Hospital in the amount of \$150,000 for alleged injuries incurred when claimant fell on Lincoln General Hospital property. This claim has been referred to the hospital's liability carrier. Counsel for claimant withdrew his client's claim on March 23, 1998, and filed a petition in the Lancaster County District Court on April 8, 1998. Neil Danberg is the attorney assigned by Phico Insurance Company to undertake the defense of this case for Lincoln General Hospital. Litigation is **PENDING**.

Michael S. Hafermann filed a claim during the month of March, 1997, in the amount of \$150,000 for alleged injuries incurred when claimant stepped into an open manhole on 13th Street between "O" and "P" Streets. This claim was reviewed by this office and denied on November 3, 1997. Counsel for claimant filed a petition in the Lancaster County District Court on April 18, 1998, and the City of Lincoln was served with a summons on June 1, 1998. Litigation is **PENDING**.

Fred and Lorelee Carter filed a Petition in the Lancaster County Court on September 3, 1998, alleging damages in the amount of \$4,500, together with interest and attorney's fees. Claimants allege that they have been unable to collect a "lifetime bus pass" prize which they allegedly won at a StarTran promotional event. Litigation is **PENDING**.

Jolene John filed a claim during the month of October, 1997, in the amount of \$75,000 for injuries incurred when she struck a storm sewer grate while riding her bicycle on "K" Street. This claim was reviewed by this office and was denied on March 2, 1998. Counsel for claimant filed a petition in the Lancaster County District Court on October 15, 1998. Litigation is **PENDING**.

Brian and Kelli Hughes filed a claim during the month of November, 1997, in the amount of \$100,000 for alleged damages incurred as the result of an alleged improper inspection of a water well by the Lincoln-Lancaster County Health Department. This claim was reviewed by this office and was denied on March 2, 1998. Counsel for claimants filed a petition in the Lancaster County District Court on October 28, 1998. Litigation is **PENDING**.

Jack and Gladys Stinson filed a claim during the month of May, 1998, for alleged damages incurred as the result of a motor vehicle accident involving snow removal equipment. This claim was reviewed by this office and was denied on November 16, 1998. Council for claimant, Gladys Stinson, filed a petition in the Lancaster County District Court on November 19, 1998. The City of Lincoln filed a cross petition against Jack Stinson on March 25, 1999. On August 2, 1999, District Court Judge Jeffre Chevront entered a judgment in favor of Plaintiff Gladys Stinson in the amount of \$63,750 and dismissed the City's cross petition. The City of Lincoln filed its appeal to the Nebraska Court of Appeals on August 16, 1999. Litigation is **PENDING**. Council for claimant, Jack Stinson, filed a petition in the Lancaster County District Court on August 20, 1999. Litigation is **PENDING**.

Sailaja Valluru filed a claim during the month of September, 1998, for alleged injuries sustained when claimant was struck by a vehicle while attempting to cross a street. Claimant alleges that a malfunctioning traffic light caused the accident. This claim was reviewed by this office and was denied on October 12, 1998. Council for claimant filed a petition in the Lancaster County District Court on April 2, 1999. Litigation is **PENDING**.

Teri and Matthew Juranek filed a claim during the month of June, 1998, in the amount of \$40,000 for alleged damages incurred as the result of an accident involving a Lincoln police vehicle. Council for claimants withdrew his clients' claim and filed a petition in the District Court of Lancaster County on May 25, 1999. Litigation is **PENDING**.

Leonard Hernoud d/b/a Century Towing filed a claim during the month of December, 1998, in the amount of \$4,590.00 for alleged damages incurred as the result of an incident wherein claimant alleges he was instructed by Lincoln Police to release a vehicle to an individual without payment of towing and storage charges. This claim was reviewed by this office and denial was approved by the City Council on July 12, 1999. Counsel for claimant filed a petition in the Lancaster County Court on July 27, 1999. Litigation is **PENDING**.

Michael C. and Anamaria Jarecke filed a claim during the month of February, 1999, in the amount of \$200,000 for damages incurred as the result of an accident involving the StarTran "fun" bus on July 31, 1998. Counsel for claimants withdrew his clients' claim on August 19, 1999, and filed a petition in the District Court of Lancaster County on August 30, 1999. Litigation is **PENDING**.

George Sadd filed a claim in the amount of \$1,000,000 for alleged injuries sustained when he fell while jogging on the Murdock Trail. Counsel for claimant withdrew his client's claim on September 3, 1999, and filed a petition in the District Court of Lancaster County. Litigation is **PENDING**.

Mary Owens, Personal Representative of the Estate of Richard R. Owens, filed claims for damages arising from the hospitalization and subsequent incarceration of the deceased, Richard R. Owens. The claim against Lincoln General Hospital was referred to the new owners of the hospital. The claim concerning the deceased's incarceration was reviewed by this office and denial was approved by the City Council on August 31, 1998. Petitions have been filed in the Lancaster County District Court and litigation is **PENDING**.

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. Litigation is **PENDING**.

Respectfully submitted,

James D. Faimon  
Assistant City Attorney

JDF/skb  
c: Risk Management

The claims of Raymond J. Koziol, Personal Representative of the Estates of LeAnn M. Koziol, Kevin J. Koziol, Aaron J. Koziol, and Raymond J. Koziol, individually and as father and next friend of his minor children, Matthew R. Koziol and Brian L. Koziol, in an amount totaling \$5,100,000, has been withdrawn by counsel for claimant presumably in preparation to the commencement of litigation. This claim involves an automobile accident that occurred on April 15, 1998, at the intersection of 70th & Pine Lake Road. Claimant alleges that the proximate cause of the accident was the presence of construction equipment which was parked next to the roadway and allegedly prevented LeAnn Koziol, who was the driver of the family's van, from seeing the stop sign. T.J. Osborn Construction was contracted by the City of Lincoln to conduct the work that was being performed at 70th & Pine Lake Road.