

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. This claim is under review and is **PENDING**.

State Farm Insurance Co. (Robin & Trenton Baker, Insureds) filed a subrogation claim during the month of November, 2000, for property damage in the amount of \$3,075.44 and bodily injury in an unspecified amount incurred as the result of an accident involving a StarTran bus. This claim is under review and is **PENDING**.

The Estate of Traci Prickett filed a wrongful death claim during the month of November, 2000, in the amount of \$500,000 as the result of a motor vehicle accident allegedly related to an attempt by Lincoln police to apprehend the driver of one of the vehicles in the accident. This claim is under review and 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. This claim has been referred to the insurer for Pershing Auditorium and is **PENDING**.

Robert Blankenship filed a claim during the month of December, 2000, in the amount of \$950,000 for injuries incurred as the result of a motor vehicle accident which was allegedly related to a police chase. This claim is under review and is **PENDING**.

Jason Blair filed a claim during the month of December, 2000, in the amount of \$1,000,000 for injuries incurred as the result of a motor vehicle accident which was allegedly related to a police chase. This claim is under review and is **PENDING**.

Larry Robertson filed a claim during the month of December, 2000, in an unspecified amount for alleged damage incurred to his vehicle when it was struck by snow removal equipment. This claim is under review and is **PENDING**.

Husker Cabs Inc. filed a claim during the month of January, 2001, in the amount of \$1,897.04 for alleged damage incurred to vehicle as the result of an accident involving a StarTran bus. This claim is under review and is **PENDING**.

James W. Kisling filed a claim during the month of January, 2001, in an unspecified amount for alleged damage incurred to lawn and sprinkler system as the result of snow removal activity. This claim has been reviewed by this office and has been **DENIED**. The denial is based on applicable rules of law and on information recently received from the Public Works Department.

Stuart Howerter filed a claim during the month of January, 2001, in an unspecified amount for alleged damages incurred as the result of a sanitary sewer back-up. This claim has been reviewed by this office and has been **SETTLED** in the amount of \$2,500.00.

Wayne H. Hahn filed a claim during the month of January, 2001, in the amount of \$1,049.40 for damage allegedly incurred to his rental property as the result of the execution of a "no knock" search warrant by Lincoln police. This claim was reviewed by the City Council on April 9, 2001. The Council's

recommended settlement of \$808.20 has been rejected by the claimant, and therefore, the claim is again being **DENIED**.

George J. Ciani filed a claim during the month of January, 2001, in an unspecified amount for alleged damage incurred to his lawn and sprinkler system as the result of snow removal activity. This claim has been reviewed by this office and has been **DENIED**. The denial is based on applicable rules of law and on information recently received from the Public Works Department.

The Estate of J. Michael Lawlor and Sue Lawlor 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. These claims are under review and are **PENDING**.

Michael A. Miller filed a claim during the month of February, 2001, in the amount of \$391.24 for damage allegedly incurred to his vehicle as the result of an accident involving a City-owned vehicle. This claim has been referred to the City's fleet carrier and is **PENDING**.

Anita Scofield filed a claim during the month of February, 2001, in the amount of \$476.86 for damage incurred to her vehicle when it was allegedly struck by a City snow plow. This claim has been referred to the City's fleet carrier and is **PENDING**.

Peoples Natural Gas filed a claim during the month of February, 2001, in the amount of \$429.03 for damage incurred to vehicle when it was allegedly struck by a City snow plow. This claim has been referred to the City's fleet carrier and is **PENDING**.

Jerry L. Greiner filed a claim during the month of February, 2001, in the amount of \$500 for damage allegedly incurred to his vehicle as the result of a pothole. This claim has been reviewed by this office and has been **DENIED**. The denial is based on applicable rules of law and on information recently received from the Public Works Department.

Rita M. Lester filed a claim during the month of February, 2001, in the amount of \$352.48 for damage allegedly incurred to her vehicle as the result of a pothole. This claim has been reviewed by this office and has been **DENIED**. The denial is based on applicable rules of law and on information recently received from the Public Works Department.

Mark and Mary Cuddy filed a claim during the month of February, 2001, in the amount of \$20,947.73 for alleged damages incurred as the result of a sanitary sewer back-up at their residence. This claim has been **DENIED** for the reason that claimants have refused to negotiate a settlement, and because there exists a defense to the claim.

Doug and Janette Roth filed a claim during the month of February, 2001, in the amount of \$31,540.46 for alleged damages incurred as the result of a sanitary sewer back-up at their residence. This claim has been **DENIED** for the reason that claimants have refused to negotiate a settlement, and because there exists a defense to the claim.

Bob and Candyce Moyer filed a claim during the month of March, 2001, in the amount of \$226.53 for damage incurred to their vehicle as the result of an alleged pothole. This claim has been reviewed by this office and has been **DENIED**. The denial is based on applicable rules of law and on information recently received from the Public Works Department.

Charlene Dawn Mathews-Forke filed a claim during the month of March, 2001, in an unspecified amount for vehicle and claimed property which claimant alleges was improperly sold at police auction. This claim is under review and is **PENDING**.

Denise Lawrence filed a claim during the month of March, 2001, in an unspecified amount for damage incurred to the windshield of her vehicle when it was allegedly struck by salt pellets thrown from a truck spreading salt on the streets. This claim has been reviewed by this office and has been **DENIED**. The denial is based on applicable rules of law and on information recently received from the Public Works Department.

Bob L. Hanson filed a claim during the month of March, 2001, in the amount of \$107.50 for damage incurred to his vehicle as the result of an alleged pothole. This claim has been reviewed by this office and has been **DENIED**. The denial is based on applicable rules of law and on information recently received from the Public Works Department.

Tom and Sandy Schindler filed a claim during the month of March, 2001, in the amount of \$150 for damage incurred to their vehicle as the result of an alleged pothole. This claim has been reviewed by this office and has been **DENIED**. The denial is based on applicable rules of law and on information recently received from the Public Works Department.

Gideon Gillispie filed a claim during the month of March, 2001, in the amount of \$148.96 for damage incurred to his vehicle as the result of an alleged pothole. This claim has been reviewed by this office and has been **DENIED**. The denial is based on applicable rules of law and on information recently received from the Public Works Department.

Richard Oltman filed a claim during the month of March, 2001, in an unspecified amount for alleged damage incurred to lawn and sprinkler system during snow removal activity. This claim has been reviewed by this office and has been **DENIED**. The denial is based on applicable rules of law and on information recently received from the Public Works Department.

Chris Nielsen filed a claim during the month of March, 2001, in the amount of \$75,000 alleging false arrest. This claim is under review and is **PENDING**.

John Rausch filed a claim during the month of March, 2001, in an unspecified amount for damage allegedly incurred to his vehicle's windshield wiper when an officer placed a parking violation under it. This claim is under review and 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 is under review and is **PENDING**.

Chad McGuire filed a claim during the month of March, 2001, in the amount of \$481.59 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**. The denial is based on applicable rules of law and on information recently received from the Public Works Department.

Joel M. Scherling filed a claim during the month of March, 2001, in the amount of \$97.50 for damage allegedly incurred to lawn and sprinkler system as the result of snow removal activity. This claim has

been reviewed by this office and has been **DENIED**. The denial is based on applicable rules of law and on information recently received from the Public Works Department.

Eldon Craig filed a claim during the month of March, 2001, in the amount of \$50 for damage allegedly incurred to lawn and sprinkler system as the result of snow removal activity. This claim has been reviewed by this office and has been **DENIED**. The denial is based on applicable rules of law and on information recently received from the Public Works Department.

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 has been reviewed by this office and has been **DENIED**.

William and Dana Wendling filed a claim during the month of March, 2001, in the amount of \$1,160.30 for damage allegedly incurred to their vehicle as the result of a pothole in the street. This claim has been reviewed by this office and has been **DENIED**. The denial is based on applicable rules of law and on information recently received from the Public Works Department.

Matthew J. Huber filed a claim during the month of March, 2001, in the amount of \$100 for damage allegedly incurred to lawn and sprinkler system as the result of snow removal activity. This claim has been reviewed by this office and has been **DENIED**. The denial is based on applicable rules of law and on information recently received from the Public Works Department.

Chanh and Charlene Tran filed a claim during the month of April, 2001, in an unspecified amount for damage allegedly incurred to their lawn and sprinkler system as the result of snow removal activity. This claim has been reviewed by this office and has been **DENIED**. The denial is based on applicable rules of law and on information recently received from the Public Works Department.

Adolph and Joann Firley filed a claim during the month of April, 2001, in the amount of \$29.00 for damage incurred to sprinkler system as the result of snow removal activity. This claim has been reviewed by this office and has been **DENIED**. The denial is based on applicable rules of law and on information recently received from the Public Works Department.

Scott and Simone Vampola filed a claim during the month of April, 2001, in the amount of \$22,475.54 for alleged damages incurred as the result of a sanitary sewer back-up at 4211 Southgate Blvd. This claim is under review and is **PENDING**.

Erika Davis filed a claim during the month of April, 2001, in an unspecified amount for alleged injuries incurred as the result of tripping and falling on a sidewalk. This claim has been reviewed by this office and has been **DENIED**.

CLAIMS FILED APRIL 16 THROUGH APRIL 30, 2001:

Samuel Wineberg filed a claim in the amount of \$50.00 for reimbursement of tow fee and minor damage allegedly incurred to his vehicle when claimant's vehicle became stuck on railroad tracks following a snowstorm. This claim has been reviewed by this office and has been **DENIED**.

Kathryn Witte filed a claim in the amount of \$95.71 for damage allegedly incurred to tire as the result of a pothole. This claim has been reviewed by this office and has been **DENIED**.

Alan and Gretchen Morrison filed a claim in the amount of \$945.46 for damages allegedly incurred to their vehicle as the result of fallen tree limbs. This claim is under review and is **PENDING**.

William Mann filed a claim in the amount of \$25,000 for alleged damages incurred when claimant was a passenger in an ambulance that was involved in an accident. This claim has been referred to the City's fleet carrier and is **PENDING**.

Kevin and Jane Goertzen filed a claim in the amount of \$693.00 for damage allegedly incurred to their mailbox as the result of snow removal activity. This claim has been referred to the City's fleet carrier and is **PENDING**.

Amy Davis filed a claim in the amount of \$63.00 for reimbursement of tow fees. This claim has been reviewed by this office and has been **DENIED**.

Sheena Hines filed a claim in the amount of \$1,247.63 for alleged damages incurred to her vehicle when it was allegedly struck by a StarTran bus. This claim is under review and is **PENDING**.

Kevin Oswald filed a claim in the amount of \$240.00 for damage incurred to door of rental property as the result of emergency action by Lincoln police. This claim has been reviewed by this office and has been **DENIED**.

Duane J. Ourada filed a claim in the amount of \$47.00 for damage allegedly incurred to mailbox as the result of snow removal activity. This claim is under review and is **PENDING**.

Scott J. Miller filed a claim in the amount of \$241.07 for damage incurred to the windshield of his vehicle when it was allegedly struck by debris thrown from a gravel truck. This claim has been reviewed by this office and has been **DENIED**.

Michael L. McCoy filed a claim in the amount of \$115.00 for alleged damage incurred to sprinkler system as the result of snow removal activity. This claim has been reviewed by this office and has been **DENIED**.

Steve Hawkins filed a claim in an unspecified amount for alleged damage incurred to lawn as the result of snow removal activity. This claim is under review and is **PENDING**.

Greg McCown (McCown Property Management) filed a claim in the amount of \$575.00 for damage incurred to door of rental property as the result of emergency actions by Lincoln firefighters. This claim has been reviewed by this office and has been **DENIED**.

Scott A. Horky filed a claim in the amount of \$289.56 for alleged damage incurred to tires when claimant allegedly drove his vehicle through tar at a street construction site. This claim is under review and is **PENDING**.

James D. Watts filed a claim in the amount of \$101.30 for alleged damage incurred to his vehicle when it was parked near a street construction site. This claim is under review and is **PENDING**.

PENDING TORT LITIGATION:

Weston F. & Betty Benjamin filed a claim during the month of July, 1994, against the City of Lincoln d/b/a Lincoln General Hospital 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. On March 16, 2000, District Court Judge Bernard J. McGinn awarded \$872,615 to Weston Benjamin. This case has been appealed to the Nebraska Court of Appeals and 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 were referred to Phico Insurance Company, which is the hospital's liability carrier. Counsel for claimants filed two petitions in the Lancaster County District Court on November 25, 1997, captioned Becky Ocker v. City of Lincoln d/b/a Lincoln General Hospital and McKenzie Ocker, by and through her parents, Bill Ocker and Becky Ocker v. City of Lincoln d/b/a Lincoln General Hospital and Donald Gibbens. Mark Christensen is the attorney assigned by Phico Insurance Company to undertake the defense of these cases for the City of Lincoln d/b/a Lincoln General Hospital. The case of Becky Ocker v. City of Lincoln d/b/a Lincoln General Hospital was dismissed with prejudice on February 7, 2000. The case of McKenzie Ocker, by and through her parents, Bill Ocker and Becky Ocker v. City of Lincoln d/b/a Lincoln General Hospital and Donald Gibbens is **PENDING**.

Teri and Matthew Juraneck 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. Counsel for claimants withdrew his clients' claim and filed a petition in the District Court of Lancaster County on May 25, 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. Mediation was held on May 1, 2001, wherein a **SETTLEMENT** was agreed upon in the amount of \$125,000 for Michael Jarecke and \$14,000 for Anamaria Jarecke.

George Sadd filed a claim during the month of February, 1999, 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 Lancaster County District Court. 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**.

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, filed claims on April 13, 1999, in an amount totaling \$5,100,000. These claims involve 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. This claim was withdrawn by claimant's counsel on October 21, 1999. On March 24, 2000, counsel for Mr. Koziol filed five separate petitions in the Lancaster County District Court against T.J. Osborn Construction Company, the County of Lancaster and City of Lincoln, Nebraska. Litigation is **PENDING**.

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 was withdrawn by counsel for claimant on March 6, 2000. Counsel for claimant filed a petition in the Lancaster County District Court on March 2, 2000. Summons and petition were served upon the City of Lincoln on June 23, 2000. Litigation is **PENDING**.

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**.

Sharon and Larry Zweerink filed claims in the amounts of \$250,000 for Sharon Zweerink and \$100,000 for Larry Zweerink during the month of July, 1999, for damages incurred as the result of Sharon Zweerink's fall on a City sidewalk. This claim was reviewed by this office and denial was approved by the City Council on January 20, 2000. Counsel for claimants 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. 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**.

Dawn R. McFarland filed a claim during the month of June, 2000, in the amount of \$6,888.00 for alleged damages incurred as the result of a fallen tree. Denial of this claim was approved by the City Council on October 25, 2000. Counsel for claimant filed a petition in the Lancaster County District Court on January 19, 2001. Plaintiff prays for special damages in the amount of \$6,828.50 and general damages in the amount of \$15,000. Litigation is **PENDING**.

Sandra Stodola filed a claim during the month of October, 2000, in an unspecified amount for injury allegedly incurred when she tripped on a sidewalk. Denial of this claim was approved by the City Council on February 5, 2001. Counsel for claimant filed a petition in the Lancaster County District Court on February 1, 2001. Litigation is **PENDING**.

David E. Hawkins filed a claim during the month of March, 2000, in the amount of \$60,717.03 for alleged damages incurred as the result of a sanitary sewer back-up at his residence at 5336 Knox. Denial of this claim was approved by the City Council on August 28, 2000. Counsel for claimant filed a petition in the Lancaster County District Court on March 2, 2001. Litigation is **PENDING**.

Scott Williams filed a claim during the month of September, 2000, in the amount of \$75,000 for injuries incurred when he fell off bleachers during a Lincoln Lightning football game at Pershing Auditorium. Counsel for claimant withdrew his client's claim and filed a petition in the Lancaster County District Court on March 15, 2001. Litigation is **PENDING**.

Respectfully submitted,

James D. Faimon
Assistant City Attorney

JDF/skb
c: Risk Management