

Exhibit "A"

August 16, 2002

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

RE: Report of Claims Against the City of Lincoln for August 1 through 15, 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 August 1 through August 15, 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**.

The Estate of Connie McCullough, Michael McCullough, individually and as natural parent of Shane and Michelle McCullough, and Tom Grafton, Personal Representative of the Estate of Connie McCullough, filed a claim during the month of July, 2001, in an unspecified amount for damages arising from a motor vehicle accident wherein Anthony Waadah was driving on "O" Street during the 2000 Americruise event and collided with Connie McCullough who was along side the street watching the event with her two children. The claim alleges negligence by the City in failing to provide proper traffic control, failing to require a parade or special event permit, and failing to warn the public of the dangerous condition created by the excessive volume of cars participating in the Americruise event. This claim is under review 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**.

Dave and Jayne Christensen filed a claim during the month of March, 2002, in the amount of \$16,759.82 for damage 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 \$15,500.

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**.

Scott Wolf filed a claim during the month of June, 2002, in the amount of \$3,887.69 for alleged damages incurred as the result of a sanitary sewer back-up. This claim is under review and is **PENDING**.

Brian and Rochelle Senkbeil filed a claim during the month of June, 2002, in the amount of \$775.00 for alleged damage incurred as the result of a "blowback" of black silt water through toilet, shower, and washing machine drain in claimants' basement while Lincoln Wastewater personnel were working in the area. This claim has been reviewed by this office and has been **ALLOWED** in the amount of \$775.00.

Lincoln Baptist Church filed a claim during the month of July, 2002, in an unspecified amount for damage to window allegedly incurred as the result of a baseball from the "F" Street Recreation Center. This claim is under review and is **PENDING**.

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 an unspecified amount for alleged damages incurred as the result of an accident involving a vehicle that was allegedly fleeing from Lincoln police. This claim is under review and is **PENDING**.

Gene Kavanaugh filed a claim during the month of July, 2002, in the amount of \$190.00 for expense incurred as the result of a sanitary sewer back-up. This claim has been reviewed by this office and has been **ALLOWED** in the amount of \$190.00.

Merlyn H. Pohlmann filed a claim during the month of July, 2002, in the amount of \$11,172.20 for alleged damages incurred to rental property as the result of a sanitary sewer back-up. This claim has been referred to the contractor who had repaired the main serving the subject premises in a faulty manner. Accordingly, the claim against the City of Lincoln has been **DENIED**.

Kimball Management filed a claim during the month of July, 2002, in the amount of \$81.00 for damage to sprinkler system allegedly incurred during an alley repair project. This claim has been referred to the contractor for processing. Accordingly, the claim against the City of Lincoln has been **DENIED**.

United Fire Group (Antonina Lewicki, Insured) filed a claim during the month of July, 2002, in the amount of \$480.48 for damage incurred to Insured's vehicle when it was involved in an accident with a StarTran van. This claim has been **SETTLED** by the Risk Management Office in the amount of \$480.48.

Michelle Asencio filed a claim during the month of July, 2002, in the amount of \$440.30 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**.

Billie Enders filed a claim during the month of July, 2002, in the amount of \$50.00 for expenses incurred for removal of tar from vehicle. An offer of settlement was made but refused, accordingly, the claim remains **PENDING**.

Michael Lambelet filed a claim during the month of July, 2002, in the amount of \$500.00 for damage to tree allegedly incurred when Public Works personnel were working in the area of the tree. This claim is under review and is **PENDING**.

CLAIMS FILED AUGUST 1 THROUGH AUGUST 15, 2002:

American Family Insurance Group (Pamela Bergmann, Insured) filed a claim in the amount of \$581.40 for damage to Insured's vehicle allegedly incurred as the result of debris thrown by a mower. This claim is under review and is **PENDING**.

Ann Lafler filed a claim in the amount of \$90.00 for damage incurred to her vehicle as the result of striking a detour sign, which she claims was protruding into the street. This claim is under review and is **PENDING**.

Chris Schroeder filed a claim in the amount of \$425.47 for damage allegedly incurred to vehicle at a street construction site. This claim is under review and is **PENDING**.

Ronald G. and Marna E. Payne filed a claim in the amount of \$2,001.98 for damage incurred to their vehicle as the result of an accident involving a police vehicle. This claim has been **SETTLED** by the Risk Management Office in the amount of \$2,001.98.

Twyla Hansen filed a claim in the amount of \$356.77 for expenses incurred for removal of tar from vehicle. An offer of settlement has been made but a response has not yet been received, accordingly, the claim remains **PENDING**.

Kenneth Postun filed a claim in an unspecified amount for damages incurred as the result of an accident involving a Lincoln police vehicle. Claimant was illegally riding his bicycle on the sidewalk and collided with the police vehicle at an alley opening. This claim has been reviewed by this office and has been **DENIED**.

Allen V. Thomsen filed a claim in the amount of \$400.00 for damage to two model tractors when they rolled off the shelves they were displayed on at claimant's home allegedly due to vibrations caused by a tree being cut down by Parks Department personnel. This claim is under review and is **PENDING**.

Terry Hager filed a claim in the amount of \$447.82 for damage incurred to the rear window of his vehicle when it was allegedly struck by a rock thrown by a mower. This claim is under review and is **PENDING**.

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. 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**.

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**.

David and Doreen Miller, on behalf of their minor child, Dustin Miller, filed a claim during the month of July, 2000, in the amount of \$50,000 for alleged damages incurred as the result of employees of Animal Control allegedly failing to properly mark or address a package which contained the remains of a cat that had bitten Dustin Miller and was being sent by Fed Ex to Kansas State University to be tested for rabies. Subsequently, the package arrived too late and the cat remains had deteriorated in such a manner that it could not be tested for rabies, and thus, Dustin had to undergo a series of rabies shots. Denial of this claim was approved by the City Council on December 18, 2001. Counsel for claimant filed a petition in the Lancaster County District Court on July 25, 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. Litigation is **PENDING**.

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**.

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**.

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**.

Respectfully submitted,

James D. Faimon
Assistant City Attorney

JDF/skb
c: Risk Management