

Exhibit "A"

April 18, 2005

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

RE: Report of Claims Against the City of Lincoln for April 1 through April 15, 2005

Dear Mayor & Council:

The following is a report of claims against the City of Lincoln which have been disposed of, or are pending, for the period of April 1 through April 15, 2005. This report will describe the claims and the dispositions or status of these claims.

ALLOWED/SETTLED CLAIMS:

John and Jolene Walker filed a claim during the month of August, 2004, in an unspecified amount for damages incurred as the result of a motor vehicle accident involving a City-owned vehicle. The property damage portion of this claim was settled by the Risk Management Office in August, 2004, in the amount of \$23,000. Claimants' personal injury claim in the amount of \$350,000 has now been **settled** by the Risk Management Office in the amount of \$46,000 (Risk Management settlement report is attached).

Ivan Kutsar filed a claim during the month of February 2005, in the amount of \$4,122.14 for damage incurred to his vehicle as the result of striking a manhole cover that was allegedly laying in the street. This claim has been reviewed by this office and has been **settled** in the amount of \$4,100.00.

Waste Connections Inc. dba Midwest Refuse filed a claim during the month of March, 2005, in the amount of \$6,317.97 for damage incurred to truck as the result of an accident at the Landfill. This claim has been reviewed by this office and has been **allowed** in the amount of \$6,317.97.

Adrian Byrd filed a claim during the month of March, 2005, in the amount of \$180.95 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 \$180.95.

Salko Kesmer filed a claim during the month of April, 2005, for damage incurred to vehicle as the result of an accident involving a City-owned vehicle. This claim has been **settled** by the Risk Management Office in the amount of \$2,419.68.

Farmers Insurance Group (File No. 517588-13/Troy Petersen, Insured) filed a subrogation claim in the amount of \$5,429.70 for damage incurred to insured's vehicle as the result of an accident involving a Lincoln police vehicle. This claim has been **settled** by the Risk Management Office in the amount of \$4,072.27.

DENIED CLAIMS:

Eleanor Masek filed a claim during the month of March, 2005, in an unspecified amount 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**.

Rachelle Flagel filed a claim during the month of March, 2005, in an unspecified amount for damage incurred to sprinkler system as the result of snow removal activity. This claim has been referred to contractor for processing and the claim against the City has been **denied**.

Melissa Snyder filed a claim during the month of March, 2005, in the amount of \$234.88 for damage incurred to the tires of her vehicle as the result of action taken by Lincoln police in apprehending a robbery suspect. This claim has been reviewed by this office and has been **denied**.

PENDING CLAIMS:

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**.

Carl Campbell, President of Campbell Properties Corporation filed a claim during the month of April, 2003, in the amount of \$306,500 alleging that the City failed to remove obstructions consisting of trees, limbs, debris, and rubbish in the watercourse running through Beal Slough allegedly causing water flowing through Beal Slough to erode the property of the claimant. This claim is under review and is **pending**.

Awards Unlimited filed a claim during the month of December, 2003, in the amount of \$23,939.63 for alleged damages incurred as the result of a sanitary sewer back-up. This claim is under review and is **pending**.

Scott Cather filed a claim during the month of December, 2003, in an unspecified amount for damage incurred to mailbox when it was struck by a StarTran bus. This claim is under review and is **pending**.

State Farm Insurance Company (Richard D. Scholl, Insured) filed a subrogation claim during the month of January, 2004, for expenses incurred as the result of a motor vehicle accident involving a vehicle driven by Tammy Scholl and a Lincoln police vehicle. **Tammy J. Scholl** filed a claim during the month of August, 2004, in an unspecified amount for injuries incurred as the result of the accident with the police vehicle. These claims are under review and **pending**.

Randall Heiliger filed a claim during the month of February, 2004, in the amount of \$1,200.79 for damage incurred to his vehicle as the result of an accident involving a City snowplow. This claim is under review and is **pending**.

Deanna Zaffke filed a claim during the month of March, 2004, in an unspecified amount for damage incurred to the windshield of her vehicle as the result of debris from a City mower. This claim is under review and is **pending**.

Roberto Mancilla, Rubia Menendez, and David Mancilla Menendez filed a claim during the month of May, 2004, in an unspecified amount for damages incurred as the result of a motor vehicle accident involving a Lincoln police vehicle. This claim is under review and is **pending**.

James P. Ihrig filed a claim during the month of June, 2004, in an unspecified amount for injury incurred when claimant fell as the result of an alleged defect in the street. This claim is under review and is **pending**.

Raymond Phillips filed a claim during the month of June, 2004, in the amount of \$30,000 for damages incurred as the result of a motor vehicle accident involving a vehicle driven by a Health Department employee. The property damage portion of this claim has been settled by the Risk Management Office in the amount of \$1,680.00. The personal injury portion of this claim remains **pending**. **American Family Insurance Group** filed a subrogation claim during the month of August, 2004, in an unspecified amount for medical expenses paid on behalf of its insured, Raymond Phillips. The subrogation claim is **pending**.

John Kentopp filed a claim during the month of July, 2004, in an unspecified amount. Claimant alleges that his bicycle was stolen after he was arrested at a City park by a Lincoln police officer. Claimant alleges that police officer did not allow him to secure his bicycle. This claim is under review and is **pending**.

Nicholas Starr Becker filed a claim during the month of August, 2004, in the amount of \$100,000 for alleged injury incurred during claimant's arrest by Lincoln police. This claim is under review and is **pending**.

Prairie Homebuilders, Inc. filed a claim during the month of September, 2004, in the amount of \$105.00 for property damage incurred as the result of a rock thrown from a City mower. This claim is under review and is **pending**.

Fred Fleming filed a claim during the month of September, 2004, in an unspecified amount for damage incurred to his driveway as the result of a water main break. This claim is under review and is **pending**.

Jeanette Harris filed a claim during the month of November, 2004, in the amount of \$25,000 for damages incurred as the result of a motor vehicle accident involving a Public Works vehicle. The property damage portion of this claim has been settled by the Risk Management Office in the amount of \$2,747.08. The personal injury portion of this claim is **pending**.

Jerry Weiberg filed a claim during the month of November, 2004, in the amount of \$2,737.35 for alleged damages incurred as the result of a sanitary sewer back-up. This claim is under review and is **pending**.

Carl J. Metz filed a claim during the month of November, 2004, in the amount of \$1,078.65 for damage incurred as the result of a sanitary sewer back-up. This claim is under review and is **pending**.

Brainard HVAC, Inc. filed a claim during the month of January, 2005, in the amount of \$25,526.26 for damages incurred as the result of an accident involving a StarTran bus. This claim is under review and is **pending**.

Travis Kimathi filed a claim during the month of January, 2005, in an unspecified amount for alleged injury incurred as the result of an accident involving a Fire Department vehicle. **Abayomi Cousins**, who was a passenger in the vehicle driven by Mr. Kimathi, has filed a claim for medical expenses incurred as a result of the accident. These claims are under review and are **pending**.

Kim Roehrs-Lary filed a claim during the month of January, 2005, in the amount of \$100,000 for injury incurred when claimant allegedly fell in a hole located in alley behind Bethany Christian Church. This claim is under review and is **pending**.

Sheryl Theriault filed a claim during the month of January, 2005, in an unspecified amount for damages incurred as the result of an accident involving a StarTran bus. The property damage portion of this claim has been settled by the Risk Management Office in the amount of \$7,782.84. The personal injury portion of this claim is **pending**.

Kenneth Walton/Walton Construction filed a claim during the month of February, 2005, in the amount of \$3,636.31 for damage incurred to vehicle as the result of an accident involving a City vehicle. The property damage claim has been settled by the Risk Management Office in the amount of \$3,575.96. The personal injury claim of Kenneth Walton is **pending**.

Patricia Giese filed a claim during the month of February, 2005, in the amount of \$668.74 for damage incurred to her vehicle as the result of an accident involving a Public Works vehicle. This claim is under review and is **pending**.

Melinda Nicholson filed a claim during the month of February, 2005, in an unspecified amount for alleged injury incurred as the result of fall on a StarTran bus. This claim is under review and is **pending**.

Michelle Stiles and Justin Sitzmann filed a claim during the month of March, 2005, in the amount of \$4,051.24 for damage incurred to their vehicle when it was struck by a City snow plow. This claim is under review and is **pending**.

State Farm Insurance (Claim No. 27-7494-351/ Maria Ning, Insured) filed a subrogation claim during the month of March, 2005, in an unspecified amount for damage incurred to insured's vehicle when it was struck by a City Library vehicle. This claim is under review and is **pending**.

Nebraska Petroleum Marketers & Convenience Store Association, Inc. filed a claim during the month of March, 2005, in the amount of \$17,833.05 for damages incurred as the result of a sanitary sewer back-up. This claim is under review and is **pending**.

Russ Ninemire filed a claim during the month of March, 2005, in the amount of \$335.95 for medical expense incurred as the result of an injury that occurred when claimant fell on steps at Centennial Mall. This claim is under review and is **pending**.

Virginia Witulski filed a claim during the month of March, 2005, in the amount of \$1,179.18 for expenses incurred for the repair of the sewer connection to her residence, which claimant alleges was damaged as the result of a sanitary sewer main repair project. This claim is under review and is **pending**.

Rinzin Wangchuk filed a claim during the month of March, 2005, in the amount of \$789.22 for damages incurred as the result of a sanitary sewer back-up. This claim is under review and is **pending**.

Cinda S. Walters filed a claim during the month of March, 2005, in the amount of \$1,453.03 for damage incurred when water pipe broke during the installation of a water meter. This claim is under review and is **pending**.

David A. Fricke filed a claim during the month of April, 2005, in the amount of \$56.23 for damage incurred to sprinkler system as the result of snow removal activity. This claim is under review and is **pending**.

Gaylen Bartling filed a claim during the month of April, 2005, in the amount of \$713.00 for damages incurred as the result of a sanitary sewer back-up. This claim is under review and is **pending**.

Judy Sinkler filed a claim during the month of April, 2005, in an unspecified amount for damage incurred to her mailbox when it was struck by a StarTran bus. This claim is under review and is **pending**.

Mr. & Mrs. Lorenzo R. Ybarra Jr. filed a claim during the month of April, 2005, in the amount of \$22,386.53 for damages incurred as the result of a sanitary sewer back-up. This claim is under review and is **pending**.

PENDING TORT LITIGATION:

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**.

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**.

Patricia and James Dodson filed a claim during the month of March, 2002, on behalf of their minor daughter, Jean Dodson, who was playing keyboard with her high school pep band at State basketball tournaments at Pershing Auditorium, when she 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 was referred to the insurer for Pershing Auditorium. Claimants withdrew their claim on January 21, 2003. A petition was filed in the Lancaster County District Court on January 30, 2003. Plaintiffs are praying for special damages in the amount of \$29,478.26 for medical expenses incurred to date, future medical expenses, temporary and permanent disability, pain and suffering to date and likely to be suffered in the future and loss of future earning capacity. Litigation is **pending**.

Sandra Mueller filed a claim during the month of January, 2003, in the amount of \$650,000 for alleged damages incurred as the result of an alleged incident involving a vehicle operated by a Lincoln Electric System employee. Sandra Mueller's husband, **Duane Mueller**, has filed a claim in the amount of \$250,000 for alleged damages incurred as a result of the alleged incident. These claims were referred to counsel for Lincoln Electric System. Counsel for the Muellers filed a petition in the Lancaster County District Court on August 5, 2003. Litigation is **pending**.

James Blake filed a claim during the month of March, 2002, in the amount of \$10,139.77 for injury incurred when claimant fell into a water meter pit. This claim was reviewed by this office and denial of this claim was approved by the City Council on April 29, 2002. Counsel for claimant has filed suit in the Lancaster County District Court naming Kwik Shop, Inc., Lincoln Lease Partners, and the City of Lincoln as Defendants. Litigation is **pending**.

Elizabeth Tufts filed a claim during the month of October, 2002, in the amount of \$1,000,000 for damages incurred when claimant was a passenger in a police vehicle that was involved in an accident. This claim was reviewed by this office and denial of this claim was approved by the City Council on November 25, 2002. Counsel for claimant filed suit in the Lancaster County District Court on September 26, 2003. Litigation is **pending**.

Jeffrey Meyers filed a claim during the month of July, 2003, in the amount of \$113,121.20 for damages incurred when the tire of the bicycle he was riding fell into a crevice in the street ejecting him from the bicycle. This claim was reviewed by this office and denial of this claim was approved by the City Council on October 27, 2003. Counsel for claimant filed suit in the Lancaster County District Court on January 27, 2004. Litigation is **pending**.

Suzanne Cain filed a claim during the month of July, 2003, in the amount of \$500,000 for injury allegedly incurred as the result of a trip and fall on sidewalk. This claim was reviewed by this office and denial of this claim was approved by the City Council on February 2, 2004. **American International Recovery, Inc.**

(Omni Behavioral Health, Insured) filed a subrogation claim during the month of April, 2003, for workers compensation benefits paid on behalf of the insured's employee, Suzanne Cain, as a result of her trip and fall accident. This claim was reviewed by this office and denial of this claim was approved by the City Council on February 23, 2004. Counsel for Suzanne Cain filed suit in the Lancaster County District Court on March 10, 2004, naming Gold's Limited Partnership and City of Lincoln, Nebraska as Defendants and Omni Behavioral Health, Inc. and American International Recovery, Inc. as Third-Party Defendants. Litigation 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 was reviewed by this office and denial of this claim was approved by the City Council on May 12, 2003. Counsel for the Kringles filed suit in the Lancaster County District Court on March 12, 2004. Litigation is **pending**.

Jeremy Tumbleson filed a claim during the month of March, 2003, in the amount of \$849.30 for damage incurred to his vehicle as the result of an accident involving a City snow plow. This claim was reviewed by the Risk Management Office and denial of this claim was approved by the City Council on April 21, 2003. Counsel for Mr. Tumbleson filed suit in the Lancaster County Court on May 21, 2004. Litigation is **pending**.

Ricky Austin filed a claim during the month of December, 2003, in the amount of \$500,000 for alleged injury incurred while claimant was in police custody in the back seat of a police vehicle when it was rear-ended by another police vehicle. This claim was withdrawn by counsel for the claimant on June 8, 2004, and suit was filed in the Lancaster County District Court on June 11, 2004. Litigation is **pending**.

Barbara and Arthur Poppe filed a claim during the month of November, 2003, in the amount of \$1,000,000 in connection with the death of their daughter, Heather Poppe, as the result of a motor vehicle accident involving a vehicle that was driven by a Robin Siefker. Claimants allege that Lincoln police had been notified that Mr. Siefker was likely to be a danger to himself or others, and therefore, claimants allege that Mr. Siefker should have been in police custody at the time of the accident. This claim was reviewed by this office and denial of this claim was approved by the City Council on December 5, 2003. Suit was filed in the Lancaster County District Court on November 24, 2004. On February 14, 2005, the Court sustained the City of Lincoln's motion to dismiss. Plaintiff has appealed. Litigation is **pending**.

Allied Insurance (Claim No. 26E29478/Allan Albers, Insured) filed a claim during the month of March, 2004, in the amount of \$1,685.50 for damage incurred to insured's vehicle as the result of an accident involving a City street sweeper. This claim was reviewed by this office and denial of this claim was approved by the City Council on December 6, 2004. Allan Albers filed suit in the Lancaster County Court on February 28, 2005. Litigation is **pending**.

Donna Lilly and Michael Lilly filed a claim during the month of September, 2004, against the City of Lincoln, Lancaster County, and the Public Building Commission in the amount of \$1,000,000 for alleged damages incurred as the result of injuries Donna Lilly sustained when she allegedly slipped and fell on the steps of the County/City Building, which claimant alleges were ice and snow-covered. The claim against the City of Lincoln was reviewed by this office and denial was approved by the City Council on September 27, 2004. Counsel for Donna and Michael Lilly filed suit in the Lancaster County District Court on March 23, 2005, naming the Public Building Commission, Lancaster County, and the City of Lincoln as Defendants. Litigation is **pending**.

Respectfully submitted,

James D. Faimon
Assistant City Attorney

JDF/skb
c: Risk Management