

Exhibit "A"

November 1, 2006

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

RE: Report of Claims Against the City of Lincoln for October 16 through October 31, 2006

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 October 16 through October 31, 2006. This report will describe the claims and the dispositions or status of these claims.

ALLOWED/SETTLED CLAIMS:

State of Nebraska - Camp Ashland Training Site filed a claim during the month of September, 2006, in the amount of \$986.00 for damage incurred to light pole when it was struck by a vehicle driven by a Lincoln Water System employee. This claim has been reviewed by this office and has been **allowed** in the amount of \$986.00.

State Farm Insurance (Claim No. 27-7745-675/Jason Hascall, Insured) filed a subrogation claim during the month of October, 2006, in an unspecified amount for damage incurred to insured's vehicle when it was struck by a Public Works vehicle. This claim has been **settled** by the Risk Management Office in the amount of \$3,856.28. **Jennifer Johannes-Hascall** also filed a claim during the month of October, 2006, in the amount of \$100.17 for reimbursement of car rental expenses incurred as a result of the accident. This claim has been **allowed** in the amount of \$100.17.

Kelsey Gardner filed a claim during the month of October, 2006, in the amount of \$100 for reimbursement of improper registration fine. This claim has been reviewed by this office and has been **allowed** in the amount of \$100.

Megan Mejstrik filed a claim during the month of October, 2006, in the amount of \$53.00 for reimbursement of tow fee. This claim has been reviewed by this office and has been **allowed** in the amount of \$53.00.

Eric Hilton filed a claim during the month of October, 2006, in the amount of \$1,214.88 for damage incurred to vehicle when it was struck by a City vehicle. This claim has been **settled** by the Risk Management Office in the amount of \$1,214.88.

Jim Hille filed a claim during the month of October, 2006, in the amount of \$53.00 for reimbursement of tow fee. This claim has been reviewed by this office and has been **allowed** in the amount of \$53.00.

DENIED CLAIMS:

Robyn Spaeth filed a claim during the month of April, 2006, in the amount of \$665.49 for damage incurred to vehicle when it was struck by an errant golf ball from Mahoney Golf Course. This claim was referred to the insurer for the manager of the golf course. To date, neither the insurer nor the claimant has notified the City further. Accordingly, the subject claim should be **denied** for lack of prosecution.

Allied Insurance (Claim No. 26E68278/Michelle Trembley, Insured) filed a claim during the month of October, 2006, in the amount of \$1,157.24 for damage incurred to Insured's vehicle as the result of a fallen tree branch. This claim has been reviewed by this office and has been **denied**. It should be noted that the Insured, Michelle Trembley, had also filed a claim, and that claim was denied by the City Council on October 16, 2006.

Eddy D. Stabler filed a claim during the month of October, 2006, in the amount of \$1,280.00 for property that was allegedly stolen from his residence after he was arrested. Claimant alleges that Lincoln Police did not secure his property at the time of his arrest. This claim has been reviewed by this office and has been **denied**.

Jerry L. Dutton filed a claim during the month of October, 2006, in an unspecified amount for a vehicle that had been towed after a motor vehicle accident. The vehicle was not claimed and was sold at auction. This claim has been reviewed by this office and has been **denied**.

SETTLED LITIGATION:

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. A suit was filed in the Lancaster County District Court on September 7, 2005, naming the City of Lincoln and Bethany Christian Church as Defendants. This case has been **settled** in the amount of **\$7,500.00**.

Ashley S. Chaves filed a claim during the month of September, 2005, in an unspecified amount for damages incurred as the result of an accident involving a Lincoln fire truck. This claim was reviewed by this office and denial of this claim was approved by the City Council on October 17, 2005. A suit was filed in the Lancaster County Court on December 13, 2005, naming the City of Lincoln and Kenton P. Schuster as Defendants. This case has been **settled** in the amount of \$50,854.00. The City of Lincoln's portion of the settlement is **\$25,427.00**.

PENDING CLAIMS:

Richard Kister filed a claim during the month of August, 2005, in an unspecified amount for damages incurred as the result of an accident involving a StarTran bus. This claim is under review and is **pending**.

American Family Insurance Group (Claim No. 00-071-423264-0422/Shannon Johnson, Insured) filed a subrogation claim in the amount of \$5,000 for payment of medical expenses incurred as the result of an accident involving insured and a Lincoln police vehicle. This claim is under review and is **pending**.

Charles Teeters and Kristina Teeters filed a claim during the month of October, 2005, for damages incurred as the result of an accident involving a StarTran bus. The property damage claim was settled by the Risk Management Office in the amount of \$2,879.16. The personal injury portion of this claim is **pending**. **Motor Club Insurance Association (Claim No. 040951/Charles Teeters, Insured)** has filed a subrogation claim in the amount of \$3,635.60 for payment of medical expenses incurred as a result of the accident involving insured and the StarTran bus. This claim is under review and is **pending**.

Lillian Irene Gembler filed a claim during the month of November, 2005, in the amount of \$4,355,000 for injuries incurred when claimant was struck by a vehicle as she was walking in the crosswalk at 11th & "O" Street. The vehicle that struck claimant is owned by the City of Lincoln and was being driven by an employee of the Downtown Lincoln Association. This claim is under review and is **pending**.

Azim Ebrahim filed a claim during the month of March, 2006, in an unspecified amount for injury incurred when claimant allegedly slipped on ice at the parking lot at 427 South 10th Street. This claim has been referred to the insurance carrier for processing and is **pending**.

Arlene Brubaker filed a claim during the month of April, 2006, in an unspecified amount for injury incurred while claimant was a passenger on a StarTran handivan. This claim is under review and is **pending**.

Tyson Poskochil filed a claim during the month of May, 2006, in the amount of \$3,584.28 for damages incurred as the result of a sanitary sewer back-up. This claim is under review and is **pending**.

Bill Crawford filed a claim during the month of May, 2006, in an unspecified amount for injury incurred when claimant's wheelchair tipped over while he was a passenger on a StarTran handivan. This claim is under review and is **pending**.

State Farm Insurance (Claim No. 27-7735-503/Yaroslav Krasivsky, Insured) filed a subrogation claim during the month of May, 2006, in an unspecified amount resulting from a motor vehicle accident involving its insured and a vehicle driven by an employee of the Aging Division. This claim is under review and is **pending**.

Laurie A. Colburn filed a claim during the month of May, 2006, in an unspecified amount for damages incurred as the result of a motor vehicle accident involving her vehicle driven by her daughter, Jessica Colburn, and two L.E.S. vehicles. The property damage portion of this claim was settled by the Risk Management Office in the amount of \$3,000. The personal injury claim is under review and is **pending**.

Georgia Love filed a claim during the month of August, 2006, in the amount of \$35.00 for damage incurred to her cane when she was a passenger on a StarTran bus. This claim is under review and is **pending**.

E & K Drywall filed a claim during the month of August, 2006, in the amount of \$612.00 for damage incurred to equipment at the Landfill. This claim is under review and is **pending**.

Victory Marine filed a claim during the month of September, 2006, in the amount of \$1,487.00 for damage incurred to vehicle as the result of an accident involving a Public Works vehicle. This claim is under review and is **pending**.

Natalie Lewandowski filed a claim during the month of October, 2006, in an unspecified amount for injury allegedly incurred as the result of a fall on a sidewalk at Centennial Mall. This claim is under review and is **pending**.

Randy Sabin filed a claim during the month of October, 2006, in the amount of \$2,026.00 for damage incurred to garage when struck by a Public Works truck. This claim is under review and is **pending**.

Donna Love filed a claim during the month of October, 2006, in the amount of \$667.68 for damage incurred to vehicle as the result of an accident involving a StarTran bus. This claim is under review and is **pending**.

Angie Nutter and Sandy Johnson filed a claim during the month of October, 2006, in the amount of \$500 for expense incurred for the repair of water service line which was allegedly damaged during a water main replacement project. This claim is under review and is **pending**.

Jeffrey Hamilton filed a claim during the month of October, 2006, in the amount of \$1,459.53 for damage allegedly incurred to vehicle as the result of an alleged defect in the street. This claim is under review and is **pending**.

Michael Schmit and Kendra Schmit filed a claim during the month of October, 2006, in the amount of \$2,857.81 for damage incurred as the result of a sanitary sewer back-up. This claim is under review and is **pending**.

Cynthia Gibson filed a claim during the month of October, 2006, in an unspecified amount for injury allegedly incurred as the result of a fall at Densmore Park. This claim is under review and is **pending**.

PENDING TORT LITIGATION:

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. A suit was filed in the Lancaster County District Court naming Kwik Shop, Inc., Lincoln Lease Partners, the City of Lincoln, and O'Hare Enterprises as Defendants. Plaintiff's counsel has withdrawn from the case and Plaintiff has until November 27, 2006, to acquire new counsel. 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. A suit was filed 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**.

Barbara Poppe 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. A 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. A suit was filed in the Lancaster County Court on February 28, 2005. Litigation is **pending**.

Ettamae Branstetter filed a claim during the month of July, 2005, in an unspecified amount for injury incurred when the automated door at the Eisley Library struck the claimant as she was exiting the Library causing her to fall. Claimant was a volunteer at the Library. This claim was reviewed by this office and denial of this claim was approved by the City Council on March 6, 2006. A Complaint was filed in the Lancaster County District Court on April 19, 2006. Litigation is **pending**.

Troy Stonacek and Shari Stonacek filed a claim during the month of July, 2005, in an unspecified amount for alleged damages incurred as the result of alleged failure to provide claimants with proper base flood elevations prior to construction of claimants' home. This claim was withdrawn on February 3, 2006, and suit has been filed in the Lancaster County District Court naming Home Real Estate, Merle Jahde, LPT, Inc., Lyle Loth, and the City of Lincoln as defendants. Litigation is **pending**.

Beri Hershberger filed a claim during the month of May, 2005, in the amount of \$7,175.35 for damages incurred as the result of a motor vehicle 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 June 6, 2005. A Complaint was filed in the Lancaster County Court on May 25, 2006. Litigation is **pending**.

Allied Insurance (Claim No. 26E60638/Julie Chilcott, Insured) filed a claim during the month of April, 2006, in the amount of \$3,192.88 for damage incurred to insured's vehicle as the result of an accident involving a StarTran bus. This claim has been reviewed by this office and denial of this claim was approved by the City Council on June 26, 2006. A suit was filed in the Lancaster County Court on August 8, 2006. Litigation is **pending**.

Shannon Johnson filed a claim during the month of September, 2005, in an unspecified amount for damages incurred as the result of an accident involving a Lincoln police vehicle. This claim was withdrawn by counsel for claimant on August 2, 2006, and suit was filed in the Lancaster County Court on August 3, 2006. Litigation is **pending**.

Bradley Sheaff and Jennifer Sheaff filed a claim during the month of July, 2005, in an unspecified amount for alleged damages incurred as the result of alleged failure to provide claimants with proper base flood elevations prior to construction of claimants' home. This claim was withdrawn on February 3, 2006, and suit has been filed in the Lancaster County District Court naming Home Real Estate, Merle Jahde, LPT, Inc., Lyle Loth, and the City of Lincoln as defendants. Litigation is **pending**.

George Bristol and Lori Bristol filed a claim during the month of July, 2005, in an unspecified amount for alleged damages incurred as the result of alleged failure to provide claimants with proper base flood elevations prior to construction of claimants' home. This claim was withdrawn on February 3, 2006, and suit has been filed in the Lancaster County District Court naming Home Real Estate, Merle Jahde, LPT, Inc., Lyle Loth, and the City of Lincoln as defendants. Litigation is **pending**.

Thomas Beran and Carol Beran, husband and wife, individually, and as natural guardians and next friend of Brady Beran, filed a claim during the month of September, 2005, in an unspecified amount. Claimants allege that as a result of acts and omissions of the City, injuries that Brady Beran incurred during a high school football game were not promptly treated and that the delayed treatment caused exacerbated injuries. This claim was withdrawn by counsel for claimants on September 18, 2006, and suit was filed in the Lancaster County District Court on September 22, 2006. Litigation is **pending**.

Jeremy A. Walburn filed a claim during the month of April, 2006, in an unspecified amount for damages incurred as the result of an accident involving a street sweeper. This claim has been reviewed by this office and denial of this claim was approved by the City Council on July 17, 2006. A suit was filed in the Lancaster County Court on October 26, 2006. Litigation is **pending**.

Respectfully submitted,

James D. Faimon
Assistant City Attorney

JDF/skb

c: Risk Management