

Exhibit "A"

December 1, 2006

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

RE: Report of Claims Against the City of Lincoln for November 16 through November 30, 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 November 16 through November 30, 2006. This report will describe the claims and the dispositions or status of these claims.

ALLOWED/SETTLED CLAIMS:

Ryan K. Sallans filed a claim during the month of November, 2006, in the amount of \$80.25 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 \$80.25.

Mid-Alliance Insurance Associates (Jay Jordan and Michele Jordan, Insured) filed a claim during the month of November, 2006, in the amount of \$1,054.72 for damage incurred to insured's vehicle when it was struck by a StarTran bus. This claim has been **settled** by the Risk Management Office in the amount of \$1,054.72.

State Farm Insurance (Claim No. 27-7748-644/Adrienne Powell, Insured) filed a subrogation claim during the month of November, 2006, in the amount of \$1,183.88 for damage incurred to insured's vehicle when it was struck by a Public Works vehicle and **Adrienne Powell** filed a claim for deductible and tow expenses. The claim of State Farm Insurance has been **allowed** in the amount of \$1,183.88 and the claim of Adrienne Powell has been **allowed** in the amount of \$602.00.

Jacqueline Quidato filed a claim during the month of November, 2006, for damage to vehicle and injury incurred as the result of an accident involving a Public Works vehicle. The property damage claim has been **settled** by the Risk Management Office in the amount of \$2,080.00. The injury claim is **pending**.

Anthony Thu Pham filed a claim during the month of November, 2006, in the amount of \$964.05 for damage incurred to vehicle when struck by a Public Works vehicle. This claim has been **settled** by the Risk Management Office in the amount of \$964.05.

DENIED CLAIMS:

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

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

Donna Carter filed a claim during the month of November, 2006 in the amount of \$3,103.50 for damage incurred to vehicle as the result of striking an alleged defect in the right-of-way. Claimant alleged that the vehicle struck the alleged defect when the driver pulled over to allow police vehicles to pass. This claim has been reviewed by this office and has been **denied**.

Mary Ann Moore filed a claim during the month of November, 2006, in an unspecified amount for injury incurred when she fell on a sidewalk. This claim has been reviewed by this office and has been **denied**.

Diane L. Mays filed a claim during the month of November, 2006, in an unspecified amount for injury incurred as the result of falling from a slide at a City park. This claim has been reviewed by this office and has been **denied**.

Jeanne Tunnison filed a claim during the month of November, 2006, in the amount of \$759.80 for damage incurred to vehicle as the result of an accident involving an L.E.S. vehicle. This claim has been reviewed by this office and has been **denied**.

LITIGATION DISPOSITION:

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 alleged that Lincoln police had been notified that Mr. Siefker was likely to be a danger to himself or others, and therefore, claimants alleged 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. Plaintiffs appealed to the Nebraska Court of Appeals. On November 14, 2006, the Court of Appeals affirmed the City's motion and **dismissed** Appellant's complaint with prejudice.

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. On November 22, 2006, the County Court entered a judgment in favor of Plaintiff in the amount of \$1,993.59.

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**.

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 Gemblor 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**.

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**.

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**.

Ross Kaiser and Amber Kaiser filed a claim during the month of November, 2006, in the amount of \$905.56 for injury incurred to their minor son when he fell on a sidewalk. This claim is under review and is **pending**.

Richard Grace filed a claim during the month of November, 2006, in the amount of \$757.98 for damage incurred to vehicle as the result of an accident involving an Urban Development vehicle. 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**.

Ettamae Branstetter filed a claim during the month of July, 2005, in an unspecified amount for injury incurred when the automated door at the Easley 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**.

Kevin Boyce filed a claim during the month of April, 2006, in an unspecified amount for injury incurred as the result of a fall on sidewalk. This claim has been reviewed by this office and denial of this claim was approved by the City Council on May 15, 2006. A suit was filed in the Lancaster County Court on November 9, 2006. Litigation is **pending**.

Michael Brainard filed a claim in the amount of \$300,000 for injury incurred as the result of an accident involving a StarTran bus. Denial of this claim was approved by the City Council on August 14, 2006. A suit was filed in the Lancaster County District Court on November 16, 2006. Litigation is **pending**.

Respectfully submitted,

James D. Faimon
Assistant City Attorney

JDF/skb

c: Risk Management