

Exhibit "A"

February 16, 2007

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

RE: Report of Claims Against the City of Lincoln for February 1 through February 15, 2007

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 February 1 through February 15, 2007. This report will describe the claims and the dispositions or status of these claims.

ALLOWED/SETTLED CLAIMS:

Richard Kister filed a claim during the month of August, 2005, in the amount of \$35,000 for damages incurred as the result of an accident involving a StarTran bus. This claim has been reviewed by this office and has been **settled** in the amount of \$10,000.

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 has been reviewed by this office and has been **allowed** in the amount of \$35.00.

George Veomett and Marilyn Veomett filed a claim during the month of December, 2006, in the amount of \$4,497.81 for damage incurred as the result of an alleged leaking water meter. This claim has been reviewed by this office and has been **settled** in the amount of \$2,600.

Steve Zechmann filed a claim during the month of January, 2007, in the amount of \$500.00 for repair of sewer line allegedly damaged as the result of roots from a City tree. This claim has been reviewed by this office and has been **settled** in the amount of \$375.00.

Jennifer Deaton filed a claim during the month of January, 2007, in the amount of \$4,207.25 for damage incurred to vehicle as the result of an accident involving a Parks vehicle. This claim has been **settled** by the Risk Management Office in the amount of \$4,207.25.

Bryan Brandenburgh filed a claim during the month of February, 2007, in the amount of \$2,230.66 for damage incurred to vehicle as the result of an accident involving a snowplow. This claim has been **settled** by the Risk Management Office in the amount of \$1,974.90.

DENIED CLAIMS:

State Farm Insurance (Claim No. 27-7735-503/Yaroslav Krasivsky, Insured) filed a subrogation claim during the month of May, 2006, in the amount of \$1,657.32 for damage incurred to insured's vehicle as the result of an accident involving a City vehicle. This claim has been **denied** for the reason that State Farm has refused to negotiate a settlement.

Melissa Harrington filed a claim during the month of January, 2007, in an unspecified amount alleging that actions of the Lincoln Police Department have interfered with her relationship with various businesses in Lincoln causing her financial harm. This claim has been reviewed by this office and has been **denied**.

Ray Farley filed two claims during the month of January, 2007, in the amount of \$240.00 for damage allegedly incurred to mailboxes as the result of snow removal activity. These claims have been reviewed by this office and have been **denied**.

Judith Koss filed a claim during the month of January, 2007, in an unspecified amount for injury incurred when claimant allegedly fell on an icy sidewalk. This claim has been reviewed by this office and has been **denied**.

Dorisjune Craig filed a claim during the month of January, 2007, in the amount of \$115.84 for damage allegedly incurred to mailbox as the result of snow removal activity. This claim has been reviewed by this office and has been **denied**.

Amy R. Pigg filed a claim during the month of January, 2007, in the amount of \$76.99 for damage allegedly incurred to mailbox as the result of snow removal activity. This claim has been reviewed by this office and has been **denied**.

Rich Pfeiffer filed a claim during the month of January, 2007, in the amount of \$60.00 for damage allegedly incurred to sprinkler system as the result of snow removal activity. This claim has been reviewed by this office and has been **denied**.

DeLoris A. McGinnis filed a claim during the month of January, 2007, in an unspecified amount for injury incurred when claimant tripped on a metal post that was allegedly protruding into a walkway where a sidewalk was closed due to construction. This claim has been referred to the contractor for the construction site and therefore the claim against the City has been **denied**.

Stuart Vculek filed a claim during the month of February, 2007, in the amount of \$107.00 for damage allegedly incurred to mailbox as the result of snow removal activity. This claim has been reviewed by this office and has been **denied**.

Veronica Swim filed a claim during the month of February, 2007, in an unspecified amount for damage allegedly incurred to vehicle as the result of a "snow and ice barricade" created on the street by snow removal activity. This claim has been reviewed by this office and has been **denied**.

Mark Lugin filed a claim during the month of February, 2007, in the amount of \$70.98 for damage allegedly incurred to mailbox as the result of snow removal activity. This claim has been reviewed by this office and has been **denied**.

PENDING CLAIMS:

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**.

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**.

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**.

Susan Chocholousek filed a claim during the month of December, 2006, in an unspecified amount for alleged injury incurred when claimant was a passenger on a StarTran bus. This claim is under review and is **pending**.

Rolland D. Piel Sr. filed a claim during the month of January, 2007, in the amount of \$585.91 for damage incurred to vehicle when struck by a police vehicle. This claim is under review and is **pending**.

Acuty (Claim No. LE9432/Millard Lumber, Insured) filed a subrogation claim during the month of January, 2007, in the amount of \$8,724.31 for damage incurred to insured's vehicle as the result of an accident involving a Public Works vehicle. This claim is under review and is **pending**.

Ann Geary filed a claim during the month of January, 2007, in an unspecified amount alleging that she was struck by ice and snow from a snow plow as she was walking on sidewalk. This claim is under review and is **pending**.

Jeffrey Harris filed a claim during the month of January, 2007, in the amount of \$900,000 for injury incurred when manhole cover allegedly flipped up and struck claimant. This claim is under review and is **pending**.

Gary Lohse filed a claim during the month of January, 2007, in an unspecified amount for damage allegedly incurred to sod as the result of snow removal activity. This claim is under review and is **pending**.

Eric Schmidt filed a claim during the month of January, 2007, in the amount of \$416.31 for damage incurred to vehicle when struck by a StarTran bus. This claim is under review and is **pending**.

Anisha Townsend filed a claim during the month of January, 2007, in an unspecified amount for injury and damage incurred to vehicle as the result of an accident involving a StarTran bus. This claim is under review and is **pending**.

Thomas M. Hawco filed a claim during the month of February, 2007, in the amount of \$3,123.43 for damage incurred as the result of a sanitary sewer back-up. This claim is under review and is **pending**.

Jennifer Safley filed a claim during the month of February, 2007, in an unspecified amount for damage incurred to vehicle when it was struck by a snowplow. This claim is under review and is **pending**.

Sheila Warkow filed a claim during the month of February, 2007, in the amount of \$38.00 for damage allegedly incurred to mailbox as the result of snow removal activity. This claim is under review and is **pending**.

Laura Miller filed a claim during the month of February, 2007, in the amount of \$1,826.46 for damage incurred to vehicle when it was struck by a Fire vehicle. This claim is under review and is **pending**.

Ronald Freeman filed a claim during the month of February, 2007, in the amount of \$185.00 for damage incurred to windshield of vehicle when allegedly struck by a rock thrown by a Public Works vehicle. This claim is under review and is **pending**.

Rebecca Gage filed a claim during the month of February, 2007, in the amount of \$17,108.68 for damage incurred as the result of a water main break. This claim is under review and is **pending**.

University of Nebraska-Hewit Place Galleries filed a claim during the month of February, 2007, in the amount of \$100,000-\$150,000 for damage incurred when water flooded the Galleries from loose or uncapped water pipes in the Que Place Parking Garage when Lincoln firefighters responded to a car fire at the parking garage. 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**.

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, Bradley Sheaff and Jennifer Sheaff, George Bristol and Lori Bristol filed claims during the month of July, 2005, for alleged damages incurred as the result of alleged failure to provide claimants with proper base flood elevations prior to construction of claimants' homes. These claims were withdrawn on February 3, 2006, and claimants have filed suit 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**.

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, alleging 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**.

Tammy J. Scholl filed a claim during the month of August, 2004, for damages incurred as the result of a motor vehicle accident involving a Lincoln police vehicle. Demand was made by claimant in the amount of \$1,000,000. Denial of this claim was approved by the City Council on July 17, 2006. A suit was filed in the Lancaster County District Court on November 15, 2006. Litigation is **pending**.

Respectfully submitted,

James D. Faimon
Assistant City Attorney

JDF/skb
c: Risk Management