

## Exhibit "A"

May 31, 2007

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

RE: Report of Claims Against the City of Lincoln for May 16 through May 31, 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 May 16 through May 31, 2007. This report will describe the claims and the dispositions or status of these claims.

### **DENIED CLAIMS:**

None.

### **ALLOWED/SETTLED CLAIMS:**

**Michael Schmit and Kendra Schmit** filed a claim during the month of October, 2006, in the amount of \$3,366.48 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 \$2,966.48.

**Jacqueline Quidato** filed a claim during the month of November, 2006, for damage to vehicle and alleged injury incurred as the result of an accident involving a Public Works vehicle. The property damage claim was settled in December, 2006, by the Risk Management Office in the amount of \$2,080.00. The personal injury claim has now been **settled** by the Risk Management Office in the amount of \$4,084.75.

**Acuity (Claim No. LE9432/Millard Lumber, Insured)** filed a subrogation claim during the month of January, 2007, in the amount of \$8,998.66 for damage incurred to insured's vehicle as the result of an accident involving a Public Works vehicle. This claim has been reviewed by this office and has been **settled** in the amount \$8,724.31.

**Commercial Investment Properties** filed a claim during the month of March, 2007, in the amount of \$2,634.70 for expense incurred to repair sewer line which was allegedly damaged during sewer main construction at 55<sup>th</sup> and "O" in December, 2006. This claim has been reviewed by this office and has been **settled** in the amount of \$2,394.70.

**Zach Nuttleman** filed a claim during the month of May, 2007, 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.

**Progressive Insurance (Claim No. 071509611/Adrian Crowther, Insured)** filed a claim during the month of May, 2007, in the amount of \$2,084.69 for damage incurred to Insured's vehicle as the result of an accident

involving a StarTran bus. This claim has been **settled** by the Risk Management Office in the amount of \$2,084.69.

**Heather Poore and Jesse Poore** filed a claim during the month of May, 2007, in the amount of \$176.75 for damage incurred to vehicle as the result of an accident involving a Lincoln fire truck. This claim has been **settled** by the Risk Management Office in the amount of \$176.75.

**Larry Wells** filed a claim during the month of May, 2007, in the amount of \$136.31 for damage incurred to 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 \$136.31.

#### **LITIGATION SETTLEMENT:**

**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. This case has been **settled** in the amount of \$4,000.

#### **PENDING CLAIMS:**

**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 10<sup>th</sup> 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 alleged 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**.

**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 alleged damage incurred to vehicle when struck by a police 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**.

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

**Friday Vi-Ura and Love Vi-Ura** filed a claim during the month of March, 2007, in the amount of \$52,700.00 for damage to vehicle and alleged injury incurred as the result of an accident involving a police vehicle. The property damage claim has been settled in the amount of \$2,000. The personal injury claim remains **pending**.

**Karrie L. Licklitter** filed a claim during the month of March, 2007, in the amount of \$223.90 for alleged damage incurred to vehicle when it was struck by a Police vehicle. This claim is under review and is **pending**.

**CLC Trucking** filed a claim during the month of April, 2007, in the amount of \$9,826.77 for alleged damages incurred as the result of an accident involving a StarTran bus. This claim is under review and is **pending**.

**Rita Helms** filed a claim during the month of April, 2007, in an unspecified amount for damage allegedly incurred to property as the result of a water main break. This claim is under review and is **pending**.

**Deborah Chinnow, Conservator of Jena I. Van Groningen** filed a claim during the month of April, 2007, for injuries incurred when Jena was struck by a Police vehicle as she was crossing a City street. This claim is under review and is **pending**.

**ESP, Inc.** filed a claim during the month of May, 2007, in the amount of \$3,205.00 for expenses incurred when claimant was allegedly misdirected by the City during the installation of a sewer line which then required the reinstallation of a portion of the sewer line in order to meet the City's trunkline. This claim is under review and is **pending**.

**Jamie Lee Unger** filed a claim during the month of May, 2007, in the amount of \$50 for reimbursement of parking fines. This claim is under review and is **pending**.

**Midwest Underground, Inc.** filed a claim during the month of May, 2007, in the amount of \$46,353.20 for expenses incurred when claimant was allegedly misdirected by the City during the installation of a sewer line which then required the reinstallation of a portion of the sewer line in order to meet the City's trunkline. This claim is under review and is **pending**.

**Joy Copes** filed a claim during the month of May, 2007, in the amount of \$4,266.68 for damage allegedly incurred to vehicle as the result of a fallen tree limb. This claim is under review and is **pending**.

**Holly Gotts** filed a claim during the month of May, 2007, in an unspecified amount for injury allegedly incurred as the result of fall on sidewalk. This claim is under review and is **pending**.

**Keith Bowder and Wanda Bowder** filed a claim during the month of May, 2007, in the amount of \$6,700.00 for damage allegedly incurred as the result of rain water flooding claimants' home. This claim is under review and is **pending**.

**Cindy Peterson** filed a claim during the month of May, 2007, in the amount of \$2,138.43 for damage incurred to vehicle as the result of an accident involving a Lincoln fire truck. This claim is under review and is **pending**.

**Egon Fagerberg Jr.** filed a claim during the month of May, 2007, in the amount of \$60.99 for damage allegedly incurred to sprinkler system when a Water Department employee was searching for the curb shut off to claimant's residence. This claim is under review and is **pending**.

**84 Lumber** filed a claim during the month of May, 2007, in the amount of \$225.00 for damage allegedly incurred to sod when a snow plow got stuck in yard. This claim is under review and is **pending**.

**Rosemary L. Horner** filed a claim during the month of May, 2007, in the amount of \$757.55 for damage incurred to vehicle as the result of an accident involving a Public Works vehicle. This claim is under review and is **pending**.

**Vincente J. Triche** filed a claim during the month of May, 2007, in the amount of \$500,000 for alleged injury incurred when a Lincoln police vehicle allegedly ran over claimant's foot. This claim is under review and is **pending**.

**David E. LeBlanc** filed a claim during the month of May, 2007, in the amount of \$267.50 for damage incurred to bicycle as the result of an alleged hazardous condition on the bike path at 48<sup>th</sup> and Highway 2. This claim is under review and is **pending**.

#### **PENDING TORT LITIGATION:**

**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, 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**.

**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 was 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 was 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**.

**Yaroslav Krasivsky** filed suit in the Lancaster County Court on March 26, 2007, for damage incurred to vehicle as the result of an accident involving a City vehicle. Litigation is **pending**.

**Distribution, Inc.** filed a claim during the month of August, 2006, in the amount of \$22,154.44 for charges billed for water service and the attempted abandonment of an unused water line. This claim was reviewed by this office and denial of this claim was approved by the City Council on September 18, 2006. A suit was filed in the Lancaster County District Court on April 3, 2007. Litigation is **pending**.

Respectfully submitted,

James D. Faimon  
Assistant City Attorney

JDF/skb  
c: Risk Management