

## Exhibit "A"

October 16, 2007

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

RE: Report of Claims Against the City of Lincoln for October 1 through October 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 October 1 through October 15, 2007. This report will describe the claims and the dispositions or status of these claims.

### **DENIED CLAIMS:**

**Anne M. Cognard** filed a claim during the month of July, 2007, in the amount of \$556.26 for damage incurred to vehicle as the result of an alleged defect in the street. This claim has been reviewed by this office and has been **denied**.

**Diane Reinsch** filed a claim during the month of July, 2007, in an unspecified amount for injury incurred when claimant fell through a grate in the sidewalk. This claim has been reviewed by this office and has been **denied**.

**Sandra Eadie** filed a claim during the month of September, 2007, in an unspecified amount for injury allegedly incurred when the tires of the bicycle claimant was riding slid in mud that had accumulated on the street near a construction site causing claimant to fall from the bicycle. This claim has been referred to the contractor of the construction site and therefore the claim against the City of Lincoln has been **denied**.

**Adelaide Ladd** filed a claim during the month of September, 2007, in the amount of \$435.00 for damage allegedly incurred to fence when it was struck by a Public Works grader that was grading in the alley adjacent to claimant's property. This claim has been reviewed by this office and has been **denied**.

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

**Ormic Concessions, Inc.** filed a claim during the month of September, 2007, in the amount of \$10,234.50 for damage incurred to trailer when it was struck by a Lincoln Fire & Rescue ambulance. This claim has been **settled** by the Risk Management Office in the amount of \$10,234.50.

**Time Warner Cable** filed a claim during the month of October, 2007, in the amount of \$5,090.63 for damage incurred to cable when struck by a Public Works truck. This claim has been **settled** by the Risk Management Office in the amount of \$5,090.63.

**Don Lehr and Merna Lehr** filed a claim during the month of October, 2007, in the amount of \$100.00 for reimbursement of improper registration fine. This claim has been reviewed by this office and has been **allowed** in the amount of \$100.00.

**Mylinh Nguyen** filed a claim during the month of October, 2007, in an unspecified amount for damage incurred to vehicle as the result of an accident involving an L.E.S. vehicle. This claim has been **settled** by the Risk Management Office in the amount of \$5,800.

#### **SETTLED LITIGATION:**

**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. This case has been **settled** in the amount of \$14,700.00.

#### **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**.

**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**.

**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**.

**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. **Motor Club Insurance Association** has filed a subrogation claim for payments made as a result of the accident. 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**.

**Jamie Pickering** filed a claim during the month of June, 2007, in the amount of \$6,728.45 for damage incurred as the result of a sanitary sewer back-up. This claim is under review and is **pending**.

**Joni Thomas** filed a claim during the month of June, 2007, in an unspecified amount for injury incurred while claimant was a passenger on a StarTran bus. This claim is under review and is **pending**.

**Carol Koch** filed a claim during the month of July, 2007, for injury incurred when claimant fell on sidewalk. This claim is under review and is **pending**.

**Farmers Mutual of Nebraska (Claim No. A0705759/Gary and Patsy Turner, Insured)** filed a subrogation claim during the month of July, 2007, for medical expenses paid on behalf of its insured as the result of a motor vehicle accident involving an Animal Control vehicle. This claim is under review and is **pending**.

**Shawn Cogdill and Rex Cogdill** filed a claim during the month of August, 2007, in the amount of \$27,149.76 for damage incurred as the result of a sanitary sewer back-up. **Farmers Insurance Group (Claim No. 099 SUB 1010536426-1/Rex J. & Shawn E. Cogdill, Insured)** filed a subrogation claim during the month of August 2007, in the amount of \$5,000 for damage incurred to insured's property as the result of the sewer back-up. These claims are under review and **pending**.

**Michelle Stoneman on behalf of her minor child, Jackson Stoneman**, filed claim during the month of August, 2007, in an unspecified amount for injury incurred at Woods pool. This claim is under review and is **pending**.

**Randy Thimm** filed a claim during the month of August, 2007, in the amount of \$695.50 for expense incurred to remove street paint from vehicle. This claim is under review and is **pending**.

**Tony Herrera** filed a claim during the month of August, 2007, in the amount of \$239.00 for injury allegedly incurred as the result of a defect in the roadway at Pioneer Park. This claim is under review and is **pending**.

**Dawnell Stoki** filed a claim during the month of August, 2007, in the amount of \$1,570.59 for damage allegedly incurred to vehicle as the result of a fallen tree branch. This claim is under review and is **pending**.

**Rasta Kennedy** filed a claim during the month of August, 2007, in the amount of \$1,654.14 for damage incurred to vehicle as the result of an accident involving a City vehicle. This claim is under review and is **pending**.

**Dan Cook** filed a claim during the month of September, 2007, in the amount of \$4,797.88 for damage incurred as the result of a sanitary sewer back-up. This claim is under review and is **pending**.

**Mildred Sweet** filed a claim during the month of September, 2007, in the amount of \$475.00 for damage incurred as the result of a sanitary sewer back-up. This claim is under review and is **pending**.

**Arthur P. Ewoldt** filed a claim during the month of September, 2007, in the amount of \$967.00 for damage incurred as the result of a sanitary sewer back-up. This claim is under review and is **pending**.

**Jack Adams and Corrina Adams** filed a claim during the month of September, 2007, in an unspecified amount for damage incurred to driveway as the result of a fallen tree. This claim is under review and is **pending**.

**John Lukes and Lois Lukes** filed a claim during the month of October, 2007, in the amount of \$3,033.06 for damage incurred to vehicle when struck by a fire truck. This claim is under review and is **pending**.

**Allan Abbott** filed a claim during the month of October, 2007, in the amount of \$326.00 for injury incurred as the result of trip and fall on sidewalk. This claim is under review and is **pending**.

**Julia M. Norvell** filed a claim during the month of October, 2007, in an unspecified amount for alleged injury incurred as the result of an accident involving a City vehicle. This claim is under review and is **pending**.

**Binh Nguyen** filed a claim during the month of October, 2007, in an unspecified amount for alleged injury incurred as the result of an accident involving an L.E.S. vehicle. 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 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**.

**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**.

**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**.

**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**.

**Connie Fortney** filed a claim during the month of July, 2006, in the amount of \$50,000 for damages incurred as the result of an 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 July 31, 2006. A suit was filed in the Lancaster County District Court on July 9, 2007. Litigation is **pending**.

**Terry J. Kurtzhals** filed a claim during the month of March, 2007, in an unspecified amount for alleged injury incurred when claimant was arrested by Lincoln Police. This claim was reviewed by this office and denial of this claim was approved by the City Council on April 2, 2007. A suit was filed in the Lancaster County District Court on August 10, 2007. Litigation is **pending**.

**Beth Hollon** filed a claim during the month of January, 2007, in an unspecified amount for injury incurred when claimant allegedly fell in a hole in the right-of-way. This claim was reviewed by this office and denial of this claim was approved by the City Council on February 26, 2007. A suit was filed in the Lancaster County District Court on August 28, 2007. Litigation is **pending**.

**Eric Fritzgerald Lewis** filed seven claims in the Small Claims Court in the total amount of \$18,200 for various vehicles allegedly sold at police auction. The claims have been transferred to the Civil Docket of County Court. Litigation is **pending**.

**Chris Gentry** filed a claim during the month of March, 2007, in an unspecified amount for alleged injury and damage incurred to vehicle as the result of an accident involving a City snowplow. This claim was reviewed by this office and denial of this claim was approved by the City Council on April 2, 2007. A suit was filed in the Lancaster County Court on September 12, 2007. Litigation is **pending**.

**Steve Cummings** 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 was reviewed by this office and denial of this claim was approved by the City Council on January 22, 2007. A suit was filed in the Lancaster County District Court on October 5, 2007. Litigation is **pending**.

Submitted by City Law Department

c: Risk Management