

Exhibit "A"

December 3, 2007

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

RE: Report of Claims Against the City of Lincoln for November 16 through November 30, 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 November 16 through November 30, 2007. This report will describe the claims and the dispositions or status of these claims.

DENIED CLAIMS:

Mary Doyle filed a claim during the month of November, 2007, in the amount of \$250,000 for injury allegedly incurred as the result of fall on sidewalk. This claim has been reviewed by this office and has been **denied**.

Wally Martin filed a claim during the month of November, 2007, in the amount of \$1,145.90 for expense incurred to replace leaking water service connection. Claimant alleged inadequate inspection of the connection by the City. This claim has been reviewed by this office and has been **denied**.

ALLOWED/SETTLED CLAIM:

Jami Pickering filed a claim during the month of June, 2007, in the amount of \$6,728.45 for alleged 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 \$5,778.00.

Tom Langston filed a claim during the month of November, 2007, in the amount of \$682.74 for damage allegedly incurred to vehicle when struck by a gate at Recycling Center. This claim has been reviewed by this office and has been **allowed** in the amount of \$682.74.

Miles Vasina filed a claim during the month of November, 2007, in the amount of \$1,773.61 for damage incurred to vehicle when struck by a police vehicle. This claim has been **settled** by the Risk Management Office in the amount of \$1,200.00.

Matthew J. Hunter filed a claim during the month of November, 2007, in the amount of \$847.08 for damage incurred to vehicle when struck by a fire truck. This claim has been **settled** by the Risk Management Office in the amount of \$847.08.

Robert L. Lute filed a claim during the month of November, 2007, in the amount of \$2,067.48 for damage incurred to vehicle when struck by a fire vehicle. This claim has been **settled** by the Risk Management Office in the amount of \$2,067.48.

LITIGATION SETTLEMENT:

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. This suit has been **settled** in the amount of \$43,000.

LITIGATION DISMISSAL:

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. This suit was **dismissed** on November 14, 2007.

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 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 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 \$56,965.34 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**.

Motor Club Insurance Association filed a subrogation claim during the month of October, 2007, for payments made as the result of a car/pedestrian accident in which Jena VanGroningen was struck by a police vehicle as she was crossing a city street. 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**.

Joni Thomas filed a claim during the month of June, 2007, in an unspecified amount for injury allegedly 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 allegedly incurred when claimant fell on sidewalk. This claim is under review and is **pending**.

Michelle Stoneman on behalf of her minor child, Jackson Stoneman, filed a claim during the month of August, 2007, in an unspecified amount for injury allegedly incurred at Woods pool. 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**.

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**.

Gary Turner and Patsy Turner filed a claim during the month of October, 2007, in the amount of \$25,968.32 for injuries incurred as the result of a motor vehicle accident involving an Animal Control vehicle. **Farmers Mutual of Nebraska (Claim No. A0705759/Gary and Patsy Turner, Insured)** filed a subrogation claim in the amount of \$15,000 for medical expenses paid on behalf of its insured as the result of the accident. 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 \$4,565.58 for damage incurred to vehicle when struck by a fire truck. 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. **David Neylon** filed a claim in the amount of \$936.33 for damage incurred to vehicle as a result of the accident. These claims are under review and are **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**.

Rita J. Choquette, Personal Representative of the Estate of Emy C. Choquette filed a claim during the month of October, 2007, in the amount of \$1,200,000. Claimant alleges that Lincoln Fire and Rescue personnel failed to provide required services. This claim is under review and is **pending**.

Kathy Hoefs filed a claim during the month of October, 2007, for injury allegedly incurred as the result of an accident involving a police vehicle. This claim is under review and is **pending**.

Eric Butler filed a claim during the month of October, 2007, in an unspecified amount. Claimant alleges he was not properly notified regarding his property that was held as evidence in a criminal matter and therefore the property was erroneously destroyed. This claim is under review and is **pending**.

Lance Nussbaumer filed a claim during the month of November, 2007, in the amount of \$680.00 for medical expenses incurred for alleged injury incurred during claimant's arrest. This claim is under review and is **pending**.

Esperanza Contreras filed a claim during the month of November, 2007, in the amount of \$1,745.00 for alleged injury incurred while claimant was a passenger on a StarTran bus. 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 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**.

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**.

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**.

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 was withdrawn by counsel for claimant on October 30, 2007, and suit was filed in the Lancaster County District Court on November 2, 2007. Litigation is **pending**.

Submitted by City Law Department

c: Risk Management