

Exhibit "A"

January 31, 2008

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

RE: Report of Claims Against the City of Lincoln for January 16 through January 31, 2008

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 January 16 through January 31, 2008. This report will describe the claims and the dispositions or status of these claims.

DENIED CLAIMS:

Eric Butler filed a claim during the month of October, 2007, in the amount \$419. Claimant alleges he was not properly notified regarding property that was held as evidence in criminal matter and therefore property was erroneously destroyed. This claim has been reviewed by this office and has been **denied**.

Christopher Tuma filed a claim during the month of January, 2008, in an unspecified amount for proceeds from auction of van that was impounded by police. This claim has been reviewed by this office and has been **denied**.

Cheryl Culver filed a claim during the month of January, 2008, in the amount of \$200.33 for damage incurred to tire as the result of alleged pothole in the street. This claim has been reviewed by this office and has been **denied**.

Devon Oneal filed a claim during the month of January, 2008, in an unspecified amount for damage allegedly incurred to vehicle as the result of ice on street. This claim has been reviewed by this office and has been **denied**.

Elmer L. Prusia filed a claim during the month of January, 2008, in the amount of \$100 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**.

ALLOWED/SETTLED CLAIM:

John Hudson filed a claim during the month of January, 2008, in the amount of \$2,699.91 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 \$2,699.91.

PENDING CLAIMS:

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**.

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**.

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. A notice of tort claim was received in the City Clerk's Office on January 15, 2008, from counsel for claimant, Rasta Kennedy, stating a demand for damages in the amount of \$100,000 as a result of the accident. 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**.

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**.

David Neylon filed a claim during the month of November, 2007, in the amount of \$936.33 for damage incurred to vehicle as a result of an accident involving a City vehicle. **Julia M. Norvell**, the driver of the vehicle owned by David Neylon, filed a claim in an unspecified amount for possible injury incurred as the result of the accident. These claims are under review and are **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**.

Jesse Rabago filed a claim during the month of December, 2007, in the amount of \$240.00 for reimbursement of tow fees. This claim is under review and is **pending**.

The Parrish Project, LLC filed a claim during the month of December, 2007, in the amount of \$13,530.00 for damage allegedly incurred as the result of a water main break. This claim is under review and is **pending**.

Edward Weisser filed a claim during the month of December, 2007, in the amount of \$2,797.97 for damage allegedly incurred as the result of a sanitary sewer back-up. This claim is under review and is **pending**.

Janene Way filed a claim during the month of December, 2007, in an unspecified amount for damage allegedly incurred to mailbox as the result of snow removal activity. This claim is under review and is **pending**.

Steve Duden filed a claim during the month of January, 2008, in the amount of \$3,124.84 for damage to vehicle which claimant alleges was struck by a snow plow. This claim is under review and is **pending**.

Tina Tafoya filed a claim during the month of January, 2008, in the amount of \$500,000 for alleged damages incurred as the result of an accident involving a City street sweeper. This claim is under review and is **pending**.

Gene Cook filed a claim during the month of January, 2008, in the amount of \$2,836.55 for damage incurred to vehicle as the result of an accident involving a City dump truck. This claim is under review and is **pending**.

Catherine A. Munoz filed a claim during the month of January, 2008, in the amount of \$5,544.90 for damage incurred to vehicle as the result of an accident involving a City snow plow. Claimant also alleges she incurred injuries as a result of the accident. This claim is under review and is **pending**.

Carlos Moore filed a claim during the month of January, 2008, in the amount of \$74.00 for reimbursement of tow fee. This claim is under review and is **pending**.

Alex Shevchuk filed a claim during the month of January, 2008, in the amount of \$1,593.19 for damage allegedly incurred to vehicle as the result of icy condition of street. 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**.

Jeffrey Harris filed a claim during the month of January, 2007, in the amount of \$900,000 for injury incurred when a manhole cover allegedly flipped up and struck claimant. This claim was denied by this office for the reason there was not sufficient evidence to support the claim. Denial of this claim was approved by the City Council on June 4, 2007. A suit was filed in the Lancaster County District Court on October 18, 2007. Litigation 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. Counsel for claimant withdrew claim and filed suit in the Lancaster County Court on January 4, 2008. Litigation is **pending**.

Submitted by City Law Department

c: Risk Management