

Exhibit "A"

August 18, 2008

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

RE: Report of Claims Against the City of Lincoln for August 1 through August 15, 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 August 1 through August 15, 2008. This report will describe the claims and the dispositions or status of these claims.

DENIED CLAIMS:

Mildred Weber filed a claim during the month of June, 2008, in an unspecified amount for injury allegedly incurred when claimant fell after exiting an Aging van. This claim has been reviewed by this office and has been **denied**.

Deandre Brown filed a claim during the month of July, 2008, in the amount of \$550.00 for alleged property damage incurred as the result of action by Lincoln police. This claim has been reviewed by this office and has been **denied**.

Annette Carol Kreifels and Anthony Kreifels filed a claim during the month of July, 2008, in the amount of \$75,000 for injury incurred to Annette Carol Kreifels when she allegedly tripped on a water trumbell. This claim has been reviewed by this office and has been **denied**.

Tony Orosco filed a claim during the month of July, 2008, in an unspecified amount for injury allegedly incurred to claimant's wife when she tripped on sidewalk. This claim has been reviewed by this office and has been **denied**.

Brad Hulse filed a claim during the month of July, 2008, in the amount of \$1,014.09 for damage allegedly incurred to door of rental property as the result of action by Lincoln police. This claim has been reviewed by this office and has been **denied**.

BlueCross BlueShield of Nebraska (Claim ID No. EHN6630832NN) filed a subrogation claim on July 22, 2008, in an unspecified amount for benefits paid on behalf of Diane Reinsch who was injured on July 3, 2007, when she allegedly fell through a grate in sidewalk. This claim has been reviewed by this office and has been **denied**.

Andrew Lundstrom filed a claim during the month of July, 2008, in the amount of \$6,813.53 for damage incurred to vehicle as the result of a fallen tree limb. This claim has been reviewed by this office and has been **denied**.

ALLOWED/SETTLED CLAIMS:

Ardell Boden filed a claim during the month of July, 2008, in the amount of \$240.71 for damage incurred to wheelchair while claimant was a passenger on a StarTran handivan. This claim has been reviewed by this office and has been **allowed** in the amount of \$240.71.

Randy Velder filed a claim during the month of July, 2008, in the amount of \$224.34 for damage incurred to window of vehicle when struck by debris thrown from a City mower. This claim has been **settled** by the Risk Management Office in the amount of \$149.34.

Burden Sales Company filed a claim during the month of July, 2008, in the amount of \$6,948.59 for damage incurred to vehicle as the result of an accident involving a City vehicle. This claim has been **settled** by the Risk Management Office in the amount of \$5,759.51.

Black Hills Energy (Aquila) filed a claim during the month of July, 2008, in the amount of \$225.12 for damage incurred to gas service line by Water Department personnel. This claim has been reviewed by this office and has been **allowed** in the amount of \$225.12.

Christi Slechta filed a claim during the month of July, 2008, in the amount of \$403.00 for money that was allegedly stolen at Woods pool. This claim has been **settled** in the amount of \$155.00.

Kearney Moving Service filed a claim during the month of August, 2008, in the amount of \$249.45 for damage incurred to vehicle when struck by a Public Works vehicle. This claim has been **settled** by the Risk Management Office in the amount of \$249.45.

Salah Al-Yaseri filed a claim during the month of August, 2008, in the amount of \$1,520.39 for damage incurred to vehicle when struck by a Parks vehicle. This claim has been **settled** by the Risk Management Office in the amount of \$1,520.39.

Frantz Antoine filed a claim on August 8, 2008, in the amount of \$43.00 for return of money that was in claimant's lost wallet which was recovered on June 18, 2008. Lincoln Police Property mailed notice to claimant on June 19, 2008, to pick up his wallet, however claimant did not pick up his wallet and money was placed in General Fund on August 5, 2008. This claim has been **allowed** in the amount of \$43.00.

Dan McCoy filed a claim during the month of August, 2008, in the amount of \$194.99 for damage incurred to vehicle when struck by a StarTran bus. This claim has been **settled** by the Risk Management Office in the amount of \$194.99.

PENDING CLAIMS:

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**.

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**.

Kathy Hoefs filed a claim during the month of October, 2007, in the amount of \$500,000 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**.

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**.

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**.

Catherine A. Munoz filed a claim during the month of January, 2008, in the amount of \$100,000 for alleged injury incurred as the result of an accident involving a City snow plow. This claim is under review and is **pending**.

Sondra Lothrop filed a claim during the month of February, 2008, in an unspecified amount for damage allegedly incurred to driveway as the result of City sand and snow removal trucks driving on it. This claim is under review and is **pending**.

University of Nebraska-Lincoln filed a claim during the month of February, 2008, in the amount of \$4,360.81 for alleged error made by City personnel in locating City sewer line during a construction project. This claim is under review and is **pending**.

Cyril Sloup filed a claim during the month of February, 2008, in an unspecified amount for injury incurred as the result of fall on ice on hiker/biker trail at 33rd and Browning. This claim is under review and is **pending**.

Kerry Rupe filed a claim during the month of February, 2008, in the amount of \$25,000 for alleged injury incurred as the result of an accident involving an Aging van. This claim is under review and is **pending**.

Mary L. Steiner filed a claim during the month of April, 2008, in the amount of \$44.42 for damage allegedly incurred to mailbox as the result of snow removal activity. This claim is under review and is **pending**.

Laura Sheldon filed a claim during the month of April, 2008, in the amount of \$500,000 for alleged injury incurred as the result of fall in alley at 4750 Calvert. This claim is under review and is **pending**.

Kristine A. Truex filed a claim during the month of April, 2008, in the amount of \$100 for reimbursement of improper registration fine. This claim is under review and is **pending**.

Sandra Eadie filed a claim during the month of April, 2008, in the amount of \$200,000 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 is under review and is **pending**.

USAA Insurance (Claim #8506654-7101-3-8508/Paul Meder & Stacie J. Meder, Insured) filed a subrogation claim during the month of April, 2008, in an unspecified amount for damage to insured's vehicle and injury to Paul Meder as the result of an accident involving a StarTran bus. This claim is under review and is **pending**.

State Farm Insurance (Claim No. 27-E081-312/Micah Madlock, Insured) filed a subrogation claim during the month of May, 2008, in the amount of \$1,188.68 for damage incurred to insured's house as the result of a fallen tree limb. This claim is under review and is **pending**.

Debra S. Roberts filed a claim during the month of May, 2008, in the amount of \$900.00 for damage allegedly incurred to driveway and curb as the result of snow removal activity. This claim is under review and is **pending**.

Claudia Perez filed a claim during the month of May, 2008, in an unspecified amount for damage incurred to vehicle as the result of an accident involving a City vehicle driven by an employee of Downtown Lincoln Association. This claim has been referred to the insurer for Downtown Lincoln Association and is **pending**.

Shirley West filed a claim during the month of June, 2008, in the amount of \$207.70 for expenses incurred as the result of a sanitary sewer back-up. This claim is under review and is **pending**.

Loretta McGeisey filed a claim during the month of July, 2008, in an unspecified amount for damage to vehicle and alleged injury incurred as the result of a motor vehicle accident involving a police vehicle. The property damage portion of this claim was settled in the amount of \$1,000. The bodily injury claim is **pending**.

Robert Niemeyer, Personal Representative of the Estate of Alvin Niemeyer filed a claim during the month of July, 2008, in the amount of \$1,000,000. Claimant alleges that a motor vehicle accident which caused injuries that allegedly led to the death of Alvin Niemeyer was caused by the negligence of the City of Lincoln in failing to maintain weeds at an intersection. This claim is under review and is **pending**.

Mike Wolfe filed a claim during the month of July, 2008, in the amount of \$5,625.65 for damage incurred as the result of a sanitary sewer back-up. This claim is under review and is **pending**.

Gerry Krolkowski filed a claim during the month of July, 2008, in the amount of \$366.09 for damage incurred to windshield of vehicle when it was allegedly struck by a rock from a City mower. This claim is under review and is **pending**.

Jerry Roth filed a claim during the month of July, 2008, in the amount of \$5,044.75 for damage incurred to vehicle as the result of an accident involving a Police vehicle. This claim is under review and is **pending**.

Christine Lamberty filed a claim during the month of July, 2008, in the amount of \$1,224.43 for damage incurred to vehicle as the result of an accident involving a Parks vehicle. This claim is under review and is **pending**.

Christine Shield filed a claim during the month of July, 2008, in the amount of \$6,638.90 for damage incurred to vehicle as the result of a fallen tree branch. This claim is under review and is **pending**.

Sara Baines filed a claim during the month of July, 2008, in an unspecified amount for alleged injury incurred while claimant was a passenger on a StarTran bus. This claim is under review and is **pending**.

Jeanette Nakada filed a claim during the month of July, 2008, in an unspecified amount for damage incurred to vehicle as the result of a fallen tree limb. This claim is under review and is **pending**.

Tanya Carlmark filed a claim during the month of July, 2008, in an unspecified amount for damage incurred to apartment door as the result of action by Lincoln police. This claim is under review and is **pending**.

John Regan filed a claim during the month of August, 2008, in the amount of \$250,000 for injury incurred when claimant allegedly fell at a sewer line construction site. This claim is under review and is **pending**.

Stephanie Bradley filed a claim during the month of August, 2008, in an unspecified amount for injury incurred to her minor child when he allegedly fell when pushed by another child while taking Red Cross swimming lessons at Star City Shores. This claim is under review and is **pending**.

Terry and Alice Philippi; Beverly Harbach filed a claim during the month of August, 2008, in the amount of \$457.28 for damage incurred to vehicle as the result of an accident involving a Health Department vehicle. Terry and Alice Philippi are owners of the vehicle and Beverly Harbach was the driver of the vehicle involved in the subject accident. This claim is under review and is **pending**.

Claritus, Inc. filed a claim during the month of August, 2008, in the amount of \$213.54 for damage incurred to vehicle as the result of an accident involving a Public Works 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 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. Suits have been filed in the Lancaster County District Court and U.S. District Court. 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**.

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 was withdrawn by counsel for claimant on February 13, 2008, and suit was filed in the Lancaster County District Court on February 19, 2008. Litigation is **pending**.

Charles L. Teeters and Kristina D. Teeters filed a claim during the month of October, 2005, for damage incurred to vehicle and alleged injuries incurred to Kristina Teeters and the minor children of Charles and Kristina Teeters, Walter, Marjorie, and Charles E.F. Teeters, as the result of an accident involving a StarTran bus. The property damage portion of this claim was settled in the amount of \$2,879.16, however, required medical records to support the personal injury claims were not provided, therefore, the personal injury claims were denied. Denial was approved by the City Council on May 14, 2007. A suit was filed in the Lancaster County District Court. Litigation is **pending**.

Eric Fitzgerald Lewis filed seven claims in the Small Claims Court in the total amount of \$18,900 for various vehicles allegedly sold at police auction between August 1996 and August 2003. These claims were transferred to the Civil Docket of Lancaster County Court and were dismissed. Plaintiff has appealed to the Lancaster County District Court and the Nebraska Court of Appeals. Litigation is **pending**.

Andrew Addison filed a claim during the month of April, 2007, in the amount of \$4,974.45 for damage incurred to his vehicle when it was stolen and involved in two accidents when the driver of the stolen vehicle was fleeing from police. This claim was reviewed by this office and denial of this claim was approved by the City Council on April 16, 2007. A suit was filed in the Lancaster County District Court on May 23, 2008. Litigation 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 was withdrawn by counsel for claimant and suit has been filed in the Lancaster County District Court on July 11, 2008. Litigation is **pending**.

Submitted by City Law Department

c: Risk Management