

Exhibit "A"

July 15, 2010

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

RE: Report of Claims Against the City of Lincoln for July 1 through July 15, 2010

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 June 1 through July 15, 2010. This report will describe the claims and the dispositions or status of these claims.

DENIED CLAIMS:

Jamil Woullard filed a claim during the month of August, 2009, in the amount of \$80.00 for damage allegedly incurred to keys during claimant's arrest. This claim has been **denied** for lack of sufficient information from claimant.

IL Partners filed a claim during the month of August, 2009, in the amount of \$535.07 for damage allegedly incurred to sprinkler system when repairs were being made to storm inlets. This claim has been **denied** for lack of sufficient information from claimant.

The Hartford (Roger L. & Ryan Freeman, Insured) filed a claim during the month of January, 2010, in an unspecified amount for damage incurred to insured's vehicle when allegedly struck by a snowplow. This claim has been reviewed by this office and has been **denied**.

Tony West filed a claim during the month of February, 2010, in the amount of \$8,000 for cost of rabies vaccinations that claimant's family incurred due to Animal Control's alleged failure to test a bat that had been captured at claimant's home. This claim has been reviewed by this office and has been **denied**.

Derek Dunn filed a claim during the month of February, 2010, in the amount of \$252.00 for damage allegedly incurred to vehicle as the result of a pothole. This claim has been **denied** for lack of sufficient information from claimant.

Julie Schmieding filed a claim during the month of February, 2010, in the amount of \$134.08 for damage allegedly incurred to vehicle as the result of a pothole. This claim has been **denied** for lack of sufficient information from claimant.

Rodney Alan Hitchler, Natural Parent and Special Administrator of the Estate of Ryan Alan Hitchler, filed a claim during the month of May, 2010, in the amount of \$1,000,000.00. Ryan Alan Hitchler died of injuries sustained in a construction accident at property commonly known as Building 600 at the Nebraska Air National Guard in Lincoln, which property is allegedly owned and/or maintained and/or leased by City of Lincoln and/or Airport Authority and/or County of Lancaster. This claim has been reviewed by this office and has been **denied**.

Donald Goracke filed a claim during the month of June, 2010, in the amount of \$96.19 for reimbursement of tow fee. This claim has been reviewed by this office and has been **denied**.

ALLOWED/SETTLED CLAIMS:

Barb Korkda filed a claim during the month of January, 2010, in the amount of \$220.00 for damage incurred to fence as the result of snow removal activity. This claim has been reviewed by this office and has been **allowed** in the amount of \$220.00.

Liberty Mutual Insurance Company (Daniel Thompson, Insured) filed a claim during the month of March, 2010, in the amount of \$5,864.98 for damage incurred to insured's vehicle as the result of an accident involving a StarTran bus. This claim has been reviewed by this office and has been **settled** in the amount of \$4,691.98.

Capital City Refuse filed a claim during the month of May, 2010, in the amount of \$4,126.49 for damage incurred to truck as the result of an accident involving a City vehicle at the Bluff Road Landfill. This claim has been reviewed by this office and has been **allowed** in the amount of \$4,126.49.

Lincoln Benefit Life filed a claim during the month of May, 2010, in the amount of \$413.43 for damage incurred to landscaping and sprinkler system when a StarTran bus drove over curb. This claim has been reviewed by this office and has been **allowed** in the amount of \$413.43.

Lisa M. Albers filed a claim during the month of June, 2010, 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.

Stacey Fuehrer filed a claim during the month of July, 2010, in the amount of \$601.47 for damage incurred to 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 \$601.47.

Linda Renick filed a claim during the month of July, 2010, in the amount of \$166.75 for damage incurred to mailbox when struck by a police vehicle. This claim has been reviewed by this office and has been **allowed** in the amount of \$166.75.

Lori Beck filed a claim during the month of July, 2010, in the amount of \$3,060.65 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 \$3,060.65.

PENDING CLAIMS:

Betty Beecham filed a claim during the month of August, 2008, in an unspecified amount for injury incurred as the result of an accident involving a City-owned vehicle. **State Farm Insurance (Claim No. 27-7809-744)** filed a subrogation claim in the amount of \$28,290.00 for medical payments made on behalf of its insured, Betty Beecham, and the passengers in insured's vehicle, Alice Peterson and Bernadette Thiel. These claims are under review and are **pending**.

Alice Peterson filed a claim during the month of September, 2008, in an unspecified amount for injury incurred as the result of an accident involving a City-owned vehicle. This claim is under review and is **pending**.

Elizabeth Ozolins filed a claim during the month of November, 2008, for alleged injury incurred as the result of an accident involving an L.E.S. vehicle on October 20, 2008. This claim is under review and is **pending**.

Evey Lesoing filed a claim during the month of November, 2008, in the amount of \$5,045.90 for alleged injury incurred as the result of fall on sidewalk. **Blue Cross Blue Shield of Nebraska** filed notice of subrogation claim during the month of May, 2009, in the amount of \$15,754.59 for benefits paid on behalf of its insured as a result of insured's fall on sidewalk. This claim is under review and is **pending**.

Patrick Ronald Russell filed a claim during the month of April, 2009, in the amount of \$5,025,000.00 alleging the wrongful death of his brother, Earl C. Russell, by Lincoln Police. This claim is under review and is **pending**.

George and Carolene Skorohod filed a claim during the month of April, 2009, in the amount of \$6,040.75 for damages incurred as the result of a sanitary sewer back-up. This claim is under review and is **pending**.

Phillip Hughes filed a claim during the month of May, 2009, in the amount of \$839.88 for damages incurred to rental property when a City grader struck an L.E.S. pole. This claim is under review and is **pending**.

Connie M. Voss filed a claim during the month of May, 2009, in an unspecified amount for injury incurred when claimant tripped on sidewalk at Fleming ballfields. This claim is under review and is **pending**.

Debra and Darren Washington filed a claim during the month of August, 2009, in the amount of \$76,000.00 for alleged injuries incurred as the result of an incident involving a Lincoln police officer. This claim is under review and is **pending**.

HIP (Holroyd Investment Properties, Inc.) filed a claim during the month of September, 2009, in the amount of \$1,180.75 for damage allegedly incurred to sprinkler system during street construction. This claim is under review and is **pending**.

Beverly Ann Best filed a claim during the month of October, 2009, for injury incurred as the result of an accident involving a Parks vehicle. Th claim is under review and is **pending**.

Southeast Community College filed a claim during the month of October, 2009, in the amount of \$430.00 for damage incurred to ladder when struck by a Lincoln fire truck. This claim is under review and is **pending**.

Danica Zobeck Davis filed a claim during the month of December, 2009, 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**.

Althouse Ag, Inc./DDA Farms Inc. filed a claim during the month of January, 2010, in the amount of \$7,462.66 for alleged crop damages incurred as the result of construction of the Greenwood to Lincoln water transmission main project. This claim is under review and is **pending**.

David Erickson and State Farm Fire & Casualty Co. filed a claim during the month of January, 2010, in the amount or \$34,683.67 for damage allegedly incurred to rental property as the result of actions by Lincoln Electric System. Claimant alleges L.E.S. shut off electric service to claimant's rental property which allegedly caused water pipes to freeze and burst. This claim is under review and is **pending**.

Paul F. Warfield filed a claim during the month of January, 2010, in the approximate amount of \$35,000 for damages incurred as the result of a sanitary sewer back-up. This claim is under review and is **pending**.

Daryl Dean Limbach filed a claim during the month of February, 2010, in an unspecified amount for alleged injury incurred as the result of an accident involving a police vehicle. This claim is under review and is **pending**.

Kenneth Moody filed a claim during the month of February, 2010, in the amount of \$360,000 for alleged injury incurred when claimant was arrested by Lincoln police. This claim is under review and is **pending**.

Duane A. Jensen filed a claim during the month of February, 2010, in an unspecified amount for proceeds from sale of vehicle at police auction. This claim is under review and **pending**.

Cincinnati Insurance Co. (Neighborhoods, Inc. Insured; Curtis Hood, Claimant) filed a claim during the month of February, 2010, in an unspecified amount for injuries incurred when Curtis Hood allegedly tripped and fell on property at 2240 Q Street. This claim is under review and is **pending**.

USAA (Jeremiah Barker, Insured) filed a claim during the month of March, 2010, in the amount of \$5,031.05 for alleged damage incurred to Insured's vehicle as the result of an accident involving a snowplow. This claim is under review and is **pending**.

Phillip Van Ness filed a claim during the month of March, 2010, in an unspecified amount for alleged injury incurred when claimant was a passenger on a StarTran bus that was involved in an accident. This claim is under review and is **pending**.

John Leonard and Darlene Rose Barnhill filed a claim during the month of March, 2010, in the amount of \$30,800 for alleged water damages incurred to basement of claimant's home at 6951 Benton which claimant alleges has occurred since the land east of claimant's property was developed in 1974-1975. This claim is under review and is **pending**.

Elliott Transport filed a claim during the month of March, 2010, in the amount of \$756.07 for damage allegedly incurred to vehicle during snow removal activity. This claim is under review and is **pending**.

Corrina Muratella filed a claim during the month of April, 2010, for alleged injury incurred as the result of an accident involving a StarTran bus. The claim is under review and is **pending**.

Jennifer Williams filed a claim during the month of April, 2010, in an unspecified amount for alleged injury incurred when Lincoln police entered claimant's residence. This claim is under review and is **pending**.

Percy Hall filed a claim during the month of April, 2010, in an unspecified amount for alleged injury incurred as the result of an incident involving Lincoln police. This claim is under review and is **pending**.

Windstream Communications filed a claim during the month of April, 2010, in the amount of \$6,800.26 for damage allegedly incurred to underground conduit system during placement of an underground water supply system. This claim is under review and is **pending**.

Debra Daharsh, as parent and next friend of Garrett A. Daharsh filed a claim during the month of April, 2010, in the amount of \$270,224.09 for injury incurred to Garrett Deharsh when he fell off of a merry-go-round at Irvingdale Park while attending a Parks and Recreation day camp at the Irvingdale Recreation Center. This claim is under review and is **pending**.

Lailoma Ayubzai filed a claim during the month of April, 2010, in the amount of \$350,000 for alleged damages incurred as the result of a motor vehicle accident. Claimant's vehicle was struck by a vehicle operated a party who was fleeing from police. This claim is under review and is **pending**.

Andrew Reiners filed a claim during the month of May, 2010, in the amount of \$3,004.68 for damage incurred to vehicle when it was struck by a StarTran bus. This claim is under review and is **pending**.

Linh Ba Nicolas Nguyen filed a claim during the month of May, 2010, in the amount of \$25,500 for vehicle and other property sold at auction. This claim is under review and is **pending**.

Richard Dondlinger filed a claim during the month of June, 2010, in the amount of \$348.05 for damages incurred as the result of a sewer back-up. This claim is under review and is **pending**.

Mauricio Lang filed a claim during the month of June, 2010, in the amount of \$53.00 for reimbursement of tow fee. This claim is under review and is **pending**.

NAI-FMA Realty filed a claim during the month of June, 2010, in the amount of \$4,339.20 for expense incurred as the result of a sewer back-up. This claim is under review and is **pending**.

Terry Kurtzhals filed a claim during the month of June, 2010, in the amount of \$162.50 for items removed from property during nuisance abatement authorized by the Health Department. This claim is under review and is **pending**.

North Gate Garden Estates filed a claim during the month of June, 2010, in the amount of \$400.00 for damage incurred to building when struck by a City vehicle. This claim is under review and is **pending**.

Black Hills Energy filed a claim during the month of July, 2010, in the amount of \$1,494.25 for damage incurred to stop box at 870 South 39th Street when struck by backhoe operated by Water Department personnel. This claim is under review and is **pending**.

Kathy Leigh Kapp filed a claim during the month of July, 2010, in the amount of \$463.09 for damage incurred to vehicle as the result of a pothole. This claim is under review and is **pending**.

LeAnne Rutt filed a claim during the month of July, 2010, in the amount of \$2,125.78 for damage incurred to vehicle when struck by a fallen tree limb. This claim is under review and is **pending**.

PENDING TORT LITIGATION:

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 was withdrawn by counsel for claimant on November 4, 2008, and suit was filed in the Lancaster County District Court on November 24, 2008. Litigation 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 was withdrawn by counsel for claimant on February 27, 2009. Claimant filed suit in the Lancaster County District Court against Scott Anderson, the City of Lincoln and Lancaster County. Litigation is **pending**.

Paul Meder and Stacie Meder filed a claim during the month of October, 2008, in the amount of \$85,000 for alleged injury incurred to Paul Meder as the result of an accident involving a StarTran bus. This claim was withdrawn by counsel for claimants and suit was filed in the Lancaster County District Court on June 23, 2009. **On June 10, 2010, the District Court awarded judgment in favor of the Plaintiff in the amount of \$57,500. The City is not appealing the judgment.**

Ricky E. Beenblossom filed a claim during the month of January, 2009, in the amount of \$25,000 for damages incurred as the result of alleged negligent actions by the Lincoln and Omaha police departments. Counsel for claimant filed suit against the City of Lincoln and the City of Omaha in the U.S. District Court. Suit has also been filed in the Lancaster County District Court. Litigation is **pending** in both courts.

Graylin Gray filed claims alleging that his rights had been violated when he was arrested. All claims were reviewed by this office and denial of these claims were approved by the City Council. Graylin Gray has filed two suits in the Lancaster County District Court. Litigation is **pending**.

Wardell Millien filed a claim during the month of March, 2009, in an unspecified amount for alleged injury incurred as the result of a motor vehicle accident involving a City snowplow. This claim was withdrawn by counsel for claimant and suit was filed in the Lancaster County District Court. Litigation is **pending**.

Allstate Insurance Co. filed suit in the Lancaster County Court for damage incurred to insured's vehicle as the result of a motor vehicle accident involving a Lincoln police vehicle. Allstate's insured is Perian Patillo who filed a claim during the month of May, 2009, which claim was reviewed by this office and denial of this claim was approved by the City Council on June 15, 2009. Litigation is **pending**.

Bernadette Thiel filed a claim during the month of September, 2008, in an unspecified amount for injury incurred as the result of an accident involving a City-owned vehicle. This claim was withdrawn by counsel for claimant on March 23, 2010, and suit was filed in the Lancaster County District Court on March 24, 2010. Litigation is **pending**.

Submitted by City Law Department

c: Risk Management