

## Exhibit "A"

September 16, 2010

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

RE: Report of Claims Against the City of Lincoln for September 1 through September 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 September 1 through September 15, 2010. This report will describe the claims and the dispositions or status of these claims.

### **DENIED CLAIMS:**

**Ashly Lannin** filed a claim during the month of September, 2010, in the amount of \$388.25 for tar removal expense incurred when claimant drove her motorcycle through freshly laid tar at or near 1400 Saltillo Road. This claim has been reviewed by this office and has been **denied**.

**Teresa Sierra** filed a claim during the month of September, 2010, in the amount of \$600 for return of money allegedly seized by Lincoln Police during the execution of a search warrant. This claim has been reviewed by this office and has been **denied**.

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

**Jonell Crain** filed a claim during the month of August, 2010, in the amount of \$315.90 for damage incurred as the result of a water main break. This claim has been reviewed by this office and has been **allowed** in the amount of \$315.90.

**Rena Dean, Trustee of the Gladys M. Forsyth Living Trust** filed a claim during the month of September, 2010, in the amount of \$4,143.12 for damages incurred as the result of a water main break. This claim has been reviewed by this office and has been **allowed** in the amount of \$4,143.12.

### **LITIGATION SETTLEMENT:**

**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 and a taxicab owned by Servant Cab Co. Claimant was a passenger in the taxicab. This claim was withdrawn by counsel for claimant and suit was filed in the Lancaster County District Court against the City of Lincoln and Servant Cab Co. This claim has been **settled** in the amount of \$6,000; \$3,000 to be paid by the City of Lincoln and \$3,000 to be paid by Servant Cab Co.

**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. These claims are under review and are **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 alleged damages incurred as the result of a sanitary sewer back-up. 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 allegedly 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 alleged 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**.

**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**.

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

**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**.

**Richard Dondlinger** filed a claim during the month of June, 2010, in the amount of \$348.05 for alleged 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 allegedly incurred as the result of a sewer back-up. 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 allegedly incurred to vehicle when struck by a fallen tree limb. This claim is under review and is **pending**.

**Michelle Yount** filed a claim during the month of July, 2010, in the amount of \$16,000 for alleged injury incurred when claimant tripped and fell on sidewalk in front of Eiseley Library. This claim is under review and is **pending**.

**Joseph Oxarart** filed a claim during the month of July, 2010, in the amount of \$799.00 for reimbursement for property allegedly auctioned and/or destroyed by Police Property. This claim is under review and is **pending**.

**Sheila Schilke** filed a claim during the month of July, 2010, in the amount of \$190.00 for damages allegedly incurred to house as the result of a fallen tree. This claim is under review and is **pending**.

**James Lam** filed a claim during the month of July, 2010, in the amount of \$363.54 for damages allegedly incurred to vehicle when struck by a fallen tree branch. This claim is under review and is **pending**.

**Patti Raider** filed a claim during the month of July, 2010, in the amount of \$2,831.63 for damage allegedly incurred to vehicle as the result of potholes. This claim is under review and is **pending**.

**Elzina Lindsey** filed a claim during the month of July, 2010, in the amount of \$524.73 for damage allegedly incurred to wheel as the result of a pothole. This claim is under review and is **pending**.

**April Leach-Sanna and Anthony Sanna** filed a claim during the month of August, 2010, in the amount of \$35,000 for alleged damages incurred as the result of a motor vehicle accident involving a Public Works vehicle. This claim is under review and is **pending**.

**Lance J. Johnson** filed a claim during the month of August, 2010, in the amount of \$250.00 for damage incurred to vehicle when allegedly struck by concrete that had become dislodged from a curb. This claim is under review and is **pending**.

**Dona and Gary Beard** filed a claim during the month of August, 2010, in the amount of \$170.64 for damage incurred to tire as the result of an alleged defect in the curb. This claim is under review and is **pending**.

**Wesley Miller, on behalf of minor child, Maddox Miller** filed a claim during the month of August, 2010, in the amount of \$565.50 for medical expenses incurred as the result of an injury incurred to Maddox Miller at Star City Shores. This claim is under review and is **pending**.

**Clifford Herman** filed a claim during the month of August, 2010, in the amount of \$707.79 for damage incurred to vehicle as the result of an alleged defect in the road. This claim is under review and is **pending**.

**Tyrone Hall** filed a claim during the month of August, 2010, in the amount of \$25,000 for alleged damages incurred when claimant was arrested by Nebraska State Patrol and Lincoln Police. This claim is under review and is **pending**.

**Alexzandra A. Neville** filed a claim during the month of September, 2010, in an unspecified amount for damage incurred to vehicle as the result of an accident involving a StarTran bus. This claim is under review and is **pending**.

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

**Amanda Wagner and Shane Alley** filed a claim during the month of September, 2010, in the amount of \$351,000 for damages allegedly incurred as the result of a water main break. This claim is under review and is **pending**.

**Joe J. Staskiewicz** filed a claim during the month of September, 2010, in the amount of \$328.75 for expense incurred as the result of a water main break. This claim is under review and is **pending**.

**Connie Johnson** filed a claim during the month of September, 2010, in an unspecified amount for injury allegedly incurred as the result of a trip and fall on sidewalk. This claim is under review and is **pending**.

**Donna and Bart Benjamin** filed a claim during the month of September, 2010, in the amount of \$6,944.22 for alleged damage incurred as the result of a sewer back-up. This claim is under review and is **pending**.

**Reggie and Eileen Dennis** filed a claim during the month of September, 2010, in the amount of \$2,602.27 for damage allegedly incurred to vehicle as the result of a fallen tree limb. This claim is under review and is **pending**.

**Richard Couch** filed a claim during the month of September, 2010, in the amount of \$100 for reimbursement of improper registration fine. 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**.

**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 filed two suits in the Lancaster County District Court. One suit was dismissed by the District Court and Plaintiff has appealed to the Court of Appeals. The other suit remains pending in the 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**.

**Lycebeth Loy** filed a claim during the month of March, 2010, in the amount of \$1,000,000 for injury incurred when claimant was a passenger on a motorcycle that was involved in an accident. Claimant alleges that the accident occurred due to inadequate signage/markings and lighting at SW 4th and W. Amaranth. This claim was reviewed by this office and denial was approved by the City Council on June 7, 2010. Counsel for claimant filed suit in the Lancaster County District Court on July 27, 2010.

Submitted by City Law Department

c: Risk Management