

Exhibit "A"

February 1, 2011

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

RE: Report of Claims Against the City of Lincoln for January 16 through January 31, 2011

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, 2011. This report will describe the claims and the dispositions or status of these claims.

DENIED CLAIMS:

None.

ALLOWED/SETTLED CLAIMS:

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

Paul F. and Jody M. Warfield filed two claims in the total amount of \$41,161.91 for alleged damages incurred as the result of two sewer back-ups that occurred at his residence on or about January 25, 2010, and November 14, 2010. These claims have been **settled** in the amount of \$25,799.62.

Shawn and Jodi McGill filed a claim during the month of January, 2011, in the amount of \$1,978.80 for damage incurred to vehicle when struck by a snowplow. This claim has been **settled** by the Risk Management Office in the amount of \$1,978.80.

Casey Wood filed a claim during the month of January, 2011, in the amount of \$2,307.72 for damage incurred to vehicle as the result of an accident involving a police vehicle. This claim has been **settled** by the Risk Management Office in the amount of \$2,307.72.

Juan Carlos Valdez Chacon filed a claim during the month of January, 2011, in the amount of \$242.95 for damage incurred to vehicle when it was struck by a StarTran bus. This claim has been **settled** by the Risk Management Office in the amount of \$242.95.

Theresa Hensley filed a claim during the month of January, 2011, in the amount of \$2,198.42 for damage incurred to vehicle when struck by a City-owned snowplow/dump truck. This claim has been **settled** by the Risk Management Office in the amount of \$2,198.42.

PENDING CLAIMS:

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 has been reviewed by this office and has been **denied**.

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**.

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 injures incurred when Curtis Hood allegedly tripped and fell on property at 2240 Q Street. 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**.

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**.

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**.

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**.

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**.

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**.

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**.

Houghton Furr Jr. filed a claim during the month of September, 2010, in the amount of \$487.48 for damage allegedly incurred to tires at road construction site on Capital Parkway. This claim is under review and is **pending**.

State Farm Insurance (Kimberly Watkins Lutz, Insured) filed a subrogation claim during the month of September, 2010, for medical payments made on behalf of its insured as the result of a motor vehicle accident involving a police vehicle. This claim is under review and is **pending**.

Brent Braun filed a claim during the month of October, 2010, in the amount of \$577.50 for damage allegedly incurred to sewer line as the result of water main construction. This claim is under review and is **pending**.

Joel D. Heusinger filed a claim during the month of October, 2010, in the amount of \$3,995.89 for damage allegedly incurred to vehicles while parked at Cornhusker Place parking garage. This claim is under review and is **pending**.

Todd S. Morley filed a claim during the month of October, 2010, in an unspecified amount for damages incurred as the result of an accident involving a Lincoln Fire and Rescue ambulance. This claim is under review and is **pending**.

Mike Gabel filed a claim during the month of November, 2010, in the amount of \$2,306.68 for damage incurred to vehicle when claimant allegedly drove his vehicle through paint on street. This claim is under review and is **pending**.

Carolyn Robinson filed a claim during the month of November, 2010, 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**.

James L. Brown filed a claim during the month of December, 2010, in the amount of \$484.00 for damage incurred to door of rental property as the result of action by Lincoln Police. This claim is under review and is **pending**.

Ken Siegman filed a claim during the month of December, 2010, in the amount of \$614.13 for damage incurred to water softener and water filter allegedly caused by a spike in water pressure due to the closure of a hydrant near claimant's home by City personnel. This claim is under review and is **pending**.

Walker Tire Co. filed a claim during the month of December, 2010, in the amount of \$315.56 for damage incurred when claimant's employee allegedly drove a customers' vehicle through wet yellow paint on street. This claim is under review and is **pending**.

Willa D. Smith filed a claim during the month of December, 2010, in an unspecified amount for injury incurred when claimant allegedly tripped on sidewalk at Walt Library. This claim is under review and is **pending**.

LeRoy Meints filed a claim during the month of December, 2010, in the amount of \$92.42 for damage incurred to blades of riding mower when claimant was mowing City right-of-way and allegedly struck a water valve box. This claim is under review and is **pending**.

Marlin Lockhart filed a claim during the month of December, 2010, in the amount of \$354.14 for damage incurred to vehicle in parking lot at Walt Library when a handicapped parking sign allegedly blew over and struck claimant's vehicle. This claim is under review and is **pending**.

Christine Wischmeier filed a claim during the month of January, 2011, in the amount of \$996.73 for damage incurred as the result of a sanitary sewer back-up. This claim is under review and is **pending**.

Cheryl K. Waples filed a claim during the month of January, 2011, in the amount of \$150.00 for damage incurred to mailbox when it was allegedly struck by a snowplow. This claim is under review and is **pending**.

LaRae Poulsen filed a claim during the month of January, 2011, for injury incurred to minor child as the result of an alleged defect in playground slide at Pioneers Park. This claim is under review and is **pending**.

Faith Goble filed a claim during the month of January, 2011, in the amount of \$60.97 for damage allegedly incurred to mailbox as the result of snow removal activity. This claim is under review and is **pending**.

Alex and Lois Wacker filed a claim during the month of January, 2011, in the amount of \$2,517.79 for damage incurred as the result of a sanitary sewer back-up. This claim is under review and is **pending**.

Denny Kramer filed a claim during the month of January, 2011, in the amount of \$71.21 for damage allegedly incurred to mailbox as the result of snow removal activity. This claim is under review and is **pending**.

Shirley Amsberry filed a claim during the month of January, 2011, in the amount of \$1,351.67 for damage allegedly incurred to rental property as the result of action by Lincoln police during the execution of a search warrant. This claim is under review and is **pending**.

Kurt Collins filed a claim during the month of January, 2011, in the amount of \$156.98 for damage allegedly incurred to mailbox as the result of snow removal activity. This claim is under review and is **pending**.

Karynda A. Kilcoin filed a claim during the month of January, 2011, in the amount of \$459.00 for damage allegedly incurred to door as the result of action by Lincoln police who were responding to a request to check welfare. This claim is under review and is **pending**.

Perry Vale filed a claim during the month of January, 2011, in the amount of \$1,200.00 for damage allegedly incurred to his wheelchair while claimant was a passenger on a StarTran van. This claim is under review and is **pending**.

Dana Rodriguez filed a claim during the month of January, 2011, in the amount of \$23.97 for damage allegedly incurred to mailbox as the result of snow removal activity. This claim is under review and is **pending**.

Lincoln Public Schools filed a claim during the month of January, 2011, in the amount of \$984.00 for damage incurred to school bus when it was struck by a StarTran bus. This claim is under review and is **pending**.

Farmers Insurance Group (Katherine Schinstock, Insured) filed a claim during the month of January, 2011, in the amount of \$10,142.95 for damage incurred to insured's vehicle as the result of an accident involving a backhoe operated by a Public Works employee. This claim is under review and is **pending**.

PENDING TORT LITIGATION:

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**.

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. Litigation is **pending**.

Debra Daharsh, as parent and next friend of Garrett A. Daharsh filed a claim in April, 2010, in the amount of \$270,224.09 for injury incurred to Garrett Deharsh on June 11, 2009, 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 was reviewed by this office and denial was approved by the Lincoln City Council on August 16, 2010. Counsel for claimant filed suit in the Lancaster County District Court on November 22, 2010. Litigation is **pending**.

Submitted by City Law Department

c: Risk Management