

Exhibit "A"

January 16, 2012

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

RE: Report of Claims Against the City of Lincoln for January 1 through January 15, 2012

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 1 through January 15, 2012. This report will describe the claims and the dispositions or status of these claims.

DENIED CLAIMS:

Linda M. Decker filed a claim during the month of November, 2011, in the amount of \$355.00 for damage incurred to glasses when claimant allegedly fell at Pioneers Park. This claim has been reviewed by this office and has been **denied**.

Shirley Herms filed a claim during the month of December, 2011, in an unspecified amount for damage allegedly incurred to sod and sprinkler system as the result of snow removal activity. This claim has been reviewed by this office and has been **denied**.

Katie Navratil filed a claim during the month of December, 2011, in the amount of \$606.94 for damage allegedly incurred to vehicle as the result of striking a pile of snow in the street that was created by a snowplow. This claim has been reviewed by this office and has been **denied**.

Jason Wakefield filed a claim during the month of December, 2011, in the amount of \$38.75 for damage allegedly incurred to tire as the result of a pothole. This claim has been reviewed by this office and has been **denied**.

Connie Chamberlain filed a claim during the month of December, 2011, in the amount of \$227.46 for damage allegedly incurred to tire as the result of a pothole. This claim has been reviewed by this office and has been **denied**.

Ritchie R. Wallace II filed a claim during the month of December, 2011, in the amount of \$769.52 for payment of medical and veterinary bills incurred when claimant and his dog were attacked by a stray dog at Pioneers Park. This claim has been reviewed by this office and has been **denied**.

Eva Fisher filed a claim during the month of December, 2011, in an unspecified amount for property that was destroyed by Police Property. This claim has been reviewed by this office and has been **denied**.

Lori Williams filed a claim in the amount of \$89.75 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 CLAIMS:

Carolyn Robinson filed a claim during the month of November, 2010, for injury allegedly incurred when claimant was a passenger on a StarTran bus. This claim has been reviewed by this office and has been **settled** in the amount of \$4,901.00.

Ashley Billings/Neoteric Enterprises filed a claim during the month of February, 2011, in the amount of \$405.00 for damage incurred to three interior doors of apartment as the result of actions by Lincoln Police during the execution of a search warrant. This claim has been reviewed by this office and has been **settled** in the amount of \$336.71.

HP Properties filed a claim during the month of December, 2011, in the amount of \$1,325.00 for damage allegedly incurred to doors by Lincoln Fire and Rescue personnel. This claim has been reviewed by this office and has been **settled** in the amount of \$563.00.

Mario Dominguez filed a claim during the month of December, 2011, in the amount of \$51.47 for proceeds from sale of vehicle at police auction. This claim has been reviewed by this office and has **allowed** in the amount of \$51.47.

David Kepler filed a claim during the month of December, 2011, in the amount of \$2,426.35 for damage incurred to vehicle as the result of an accident involving a snowplow. This claim has been reviewed by this office and has been **allowed** in the amount of \$2,426.35.

PENDING CLAIMS:

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**.

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**.

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**.

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**.

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**.

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**.

Midwest Refuse filed a claim during the month of February, 2011, in the amount of \$3,260.04 for damage allegedly incurred to truck equipment at the City Landfill. This claim is under review and is **pending**.

Lanny Gerig filed a claim during the month of February, 2011, in the amount of \$100.00 for damage allegedly incurred to mailbox as the result of snow removal activity. This claim is under review and is **pending**.

Karen Davis filed a claim during the month of February, 2011, in the amount of \$2,895.52 for damage allegedly incurred to vehicle when it struck a cement pillar in the parking lot at the Walt Library. This claim is under review and is **pending**.

Cleaver-Brooks, Inc. filed a claim during the month of March, 2011, in the amount of \$20,880.00 for damage allegedly incurred to parking lot as the result of a water main break. This claim is under review and is **pending**.

Kevin L. Walker filed a claim during the month of May, 2011, in an unspecified amount for vehicle sold at auction. Claimant alleges he was not properly notified of the release of the vehicle from Police Property prior to the auction. This claim is under review and is **pending**.

Gordon Kyhn filed a claim during the month of May, 2011, in the amount of \$1,000,000 for alleged injury incurred as the result of a trip and fall on sidewalk near Pershing Auditorium. This claim is under review and is **pending**.

Elizabeth Thayer filed a claim during the month of May, 2011, in the amount of \$548.56 for damage allegedly incurred to tire at a street construction site on Capitol Parkway. This claim is under review and is **pending**.

Amy Rorebeck filed a claim during the month of June, 2011, in an unspecified amount for alleged injury incurred when she was a passenger on a StarTran bus. This claim is under review and is **pending**.

Robert Overkamp filed a claim during the month of July, 2011, in an unspecified amount for damage allegedly incurred to toilet seats lids as the result of "blowback" which occurred during sewer main cleaning. This claim is under review and is **pending**.

Lincoln Children's Museum filed a claim during the month of July, 2011, in the amount of \$1,859.00 for water damage incurred to walls as the result of a hole that was allegedly created by L.E.S. personnel, which caused rain water to enter building. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

Linda Weddington filed a claim during the month of July, 2011, in an unspecified amount for alleged injury incurred as the result of fall on sidewalk. This claim is under review and is **pending**.

Matthew and Lori Hirt filed a claim during the month of September, 2011, in the amount of \$27,500 for damage incurred to garage as the result of a fallen tree. This claim is under review and is **pending**.

Matt Fouts filed a claim during the month of September, 2011, in the amount of \$500.00 for damage allegedly incurred to vehicle as the result of a fallen tree branch. This claim is under review and is **pending**.

Debra Sue Galindo filed a claim during the month of October, 2011, in an unspecified amount for alleged injury incurred when claimant fell on the lawn of Pershing Auditorium. This claim is under review and is **pending**.

Marcia Hovermale filed a claim during the month of November, 2011, in the amount of \$34.99 for damage incurred to mailbox when it was allegedly struck by a City vehicle. This claim is under review and is **pending**.

Daniel W. Cook filed a claim during the month of November, 2011, in the amount of \$10,401.00 for damages incurred as the result of a sanitary sewer back-up. This claim is under review and is **pending**.

Minerva Martinez filed a claim during the month of November, 2011, in the amount of \$50,000 for injury allegedly incurred to claimant's jaw when she had her wisdom teeth extracted by a dentist at the Health Department. This claim is under review and is **pending**.

Gaye Richardson filed a claim during the month of November, 2011, in the amount of \$10,000 for alleged injury incurred as the result of fall on StarTran bus. This claim is under review and is **pending**.

Fred and Katharine Luthans filed a claim during the month of November, 2011, in the amount of \$400.00 for alleged damage incurred to brick mailbox as the result of a water main break. This claim is under review and is **pending**.

Manh Van Tran filed a claim during the month of November, 2011, in the amount of \$6,252.00 for alleged damages incurred as the result of a sanitary sewer back-up. This claim is under review and is **pending**.

Farmers Mutual of Nebraska (Evelyn and Gabriel Lucas, Insured) filed a subrogation claim during the month of December, 2011, in the amount of \$3,572.69 for damage incurred to Insured's property as the result of an L.E.S. electrical box fire. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

Don and Shirley Kringel filed a claim during the month of December, 2011, in an unspecified amount for damages incurred as the result of a sanitary sewer back-up. This claim is under review and is **pending**.

Christopher Wildman filed a claim during the month of December, 2011, in the amount of \$50,000 for alleged damages incurred as the result of a motor vehicle accident involving a police vehicle. This claim is under review and is **pending**.

Adela R. Florez filed a claim during the month of December, 2011, in the amount of \$1,223.17 for damage allegedly incurred to vehicle as the result of a dislodged manhole cover. This claim is under review and is **pending**.

NEW CLAIMS FILED JANUARY 1 THROUGH JANUARY 16, 2012:

Bob Stuart filed a claim in an unspecified amount for damage allegedly incurred to television as the result of a power surge. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

Justin Carlson filed a claim in the amount of \$231.25 for expense incurred as the result of an alleged sanitary sewer back-up. This claim is under review and is **pending**.

Hongly Nguyen filed a claim in the amount of \$544.48 for damage incurred to vehicle when it was struck by a Health Department vehicle. This claim is under review and is **pending**.

John and Diane Kalita filed a claim in the amount of \$120.83 for damage allegedly incurred to sprinkler system during tree removal. 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**.

Dennis and Benita Cooper filed a claim in February, 2010, in the amount of \$35,155.62 for damages incurred as the result of a sanitary sewer back-up. This claim was reviewed by this office and denial was approved by the Lincoln City Council on June 28, 2010. Counsel for claimant filed suit in the Lancaster County Court on January 31, 2011. Litigation is **pending**.

Jeffery and Nerissa Ahern filed a claim in February, 2010, in the amount of \$4,728.16 for damages incurred as the result of a sanitary sewer back-up. This claim was reviewed by this office and denial was approved by the Lincoln City Council on June 28, 2010. Counsel for claimant filed suit in the Lancaster County District Court on February 18, 2011. Litigation 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. Counsel for claimant filed suit in the Lancaster County Court on March 3, 2011. Litigation is **pending**.

Lailoma Ayubzai filed a claim during the month of April, 2010, in the amount of \$1,000,000 for alleged damages incurred as the result of a motor vehicle accident. Claimant's vehicle was struck by a vehicle operated by an individual who was fleeing from police. This claim was withdrawn by counsel for claimant and suit was filed in the Lancaster County District Court on April 22, 2011. Litigation 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 was withdrawn by counsel for claimants and suit was filed in the Lancaster County District Court on June 13, 2011. Litigation 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. Council for claimant filed suit in Lancaster County Court. Litigation is **pending**.

Submitted by City Law Department
c: Risk Management