

## Exhibit "A"

July 1, 2013

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

RE: Report of Claims Against the City of Lincoln for June 16 through June 30, 2013

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 16 through June 30, 2013. This report will describe the claims and the dispositions or status of these claims.

### **DENIED CLAIMS:**

**Amanda K. Feser** filed a claim during the month of June, 2013, in the amount of \$59.50 for damage allegedly incurred to sprinklers as the result of snow removal activity. This claim has been reviewed by this office and has been **denied**.

**Michael Rohm** filed a claim during the month of June, 2013, in the amount of \$200,000 for injury allegedly incurred at Tierra Park. This claim has been reviewed by this office and has been **denied**.

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

**Christopher Howard** filed a claim during the month of September, 2012, in the amount of \$125,000 for injury incurred as the result of an accident involving a City vehicle. This claim has been reviewed by this office and has been **settled** in the amount of \$50,000, which includes subrogation claims of Dairyland Insurance and BlueCross and BlueShield of Nebraska for medical payments.

**Allied Insurance as subrogee of Larry Miller** filed a claim during the month of March, 2013, in the amount of \$12,672.41 for damages incurred as the result of accident involving a Public Works vehicle. This claim has been reviewed by this office and has been **allowed** in the amount of \$12,672.41.

**Leona Stevens** filed a claim during the month of April, 2013, in the amount of \$2,603.55 for damage incurred to sewer by Public Works personnel. This claim has been reviewed by this office and has been **allowed** in the amount of \$2,603.55.

**Richard and Susan Busker** filed a claim during the month of May, 2013, in the amount of \$4,218.94 for expenses incurred as the result of a sanitary sewer back-up. This claim has been reviewed by this office and has been **settled** in the amount of \$1,636.64.

**Terri Magwire** filed a claim during the month of June, 2013, in the amount of \$200.00 for damage incurred to windshield when it was struck by a tool that was being used by a Public Works employee working on a traffic signal. This claim has been reviewed by this office and has been **allowed** in the amount of \$200.00.

**Tim Houlihan** filed a claim during the month of June, 2013, in the amount of \$1,761.35 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 \$1,761.35.

**Nationwide Insurance as subrogee of Cornhusker Painting & Power Washing/Phillip Dake** filed a claim during the month of June, 2013, in the amount of \$6,314.64 for damage incurred to insured's vehicle as the result of accident involving a Public Works vehicle. This claim has been **settled** by Risk Management Office in the amount of \$6,314.64.

**Thomas Klement Otto** filed a claim during the month of June, 2013, in the amount of \$1,520.00 for loss of wallet due to action of Lincoln police officer. This claim has been reviewed by this office and has been **settled** in the amount of \$1,113.00.

**Farm Bureau Financial Services as subrogee of John Scheer** filed a claim during the month of June, 2013, in the amount of \$3,140.33 for damage incurred to insured's vehicle as the result of accident involving a City vehicle. This claim has been reviewed by this office and has been **allowed** in the amount of \$3,140.33.

#### **LITIGATION SETTLEMENT:**

**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 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. Suit filed in the Lancaster County District Court has been **settled** in the amount of \$125,000.

#### **LINCOLN ELECTRIC SYSTEM CLAIM DISPOSITIONS:**

**Praxis Consulting on behalf of Homesite Group as subrogee of Patrick Campbell** filed a subrogation claim during the month of July, 2012, in the amount of \$2,913.37 for damage allegedly incurred to insured's property as the result of an electrical box fire. This claim has been **settled** in the amount of \$479.00.

**Todd Burklund** filed a claim during the month of July, 2012, in the amount of \$774.00 for damages allegedly incurred to property due to downed power lines. This claim has been **settled** in the amount of \$500.00.

**Nationwide Insurance as subrogee of Tepantla Corp. d/b/a Mazatlan** filed a claim during the month of December 2012, in the amount of \$2,355.31 for damage allegedly incurred to heat exchanger due to power surge. This claim has been **denied**.

**Chad Essink** filed a claim during the month of December 2012, in the amount of \$200.00 for damage allegedly incurred to drain tile by L.E.S. personnel. Contractor that was performing trenching for L.E.S. reimbursed the claimant, therefore the claim against L.E.S. has been **denied**.

**James Hershberger** filed a claim during the month of December 2012, in the amount of \$450.00 for damage allegedly incurred to voicemail phone system during power outage. This claim has been **denied**.

**Paul T. Moeller** filed a claim during the month of December 2012, in the amount of \$1,498.00 for damage allegedly incurred to trees due to trenching by L.E.S. This claim has been **denied**.

**Ken and Arlys Reitan** filed a claim during the month of January, 2013, in the amount of \$293.24 for damage incurred to electric meter by L.E.S. personnel. This claim has been **allowed** in the amount of \$293.24.

**Teresa Johnson** filed a claim during the month of February, 2013, for injury incurred as the result of fall at Antelope Park. The location of claimant's fall was at the site of an L.E.S. project and under the control of L.E.S. This claim has been **settled** in the amount of \$32.00.

**Sheridan Place Condo Association** filed a claim during the month of February, 2013, in the amount of \$4,678.00 for damage allegedly incurred to sewer service when underground electrical lines were installed. This claim has been **settled** in the amount of \$4,512.77.

**Visionscapes** filed a claim during the month of February, 2013, in the amount of \$466.00 for damage allegedly incurred to storm sewer during installation of underground power lines. This claim has been **allowed** in the amount of \$466.00.

**First Plymouth Church** filed a claim during the month of March, 2013, in the amount of \$8,206.96 for alleged damages incurred as the result of power surge and electrical fire. This claim has been **denied**.

**VerMaas Companies** filed a claim during the month of March, 2013, in the amount of \$7,357.78 for damage allegedly incurred to sewer line by LES personnel. This claim has been **allowed** in the amount of \$7,357.78.

**Trumbull Services on behalf of General Casualty Company as subrogee of Leah White** filed a claim during the month of April, 2013, in the amount of \$2,590.25 for damage incurred to Insured's property as the result of an electrical fire. This claim has been **denied**.

#### **PENDING CLAIMS:**

**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**.

**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**.

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

**Southern Finance, Inc.** filed a claim during the month of February, 2012, in an unspecified amount for proceeds from sale of vehicle at police auction. This claim is under review and is **pending**.

**Elva Lange** filed a claim during the month of March, 2012, in the amount of \$285,000 for injury incurred when claimant was a passenger on a StarTran handivan that was involved in an accident. This claim is under review and is **pending**.

**Armond Schommer** filed a claim during the month of April, 2012, in the amount of \$10,000 for injury incurred when claimant was bitten by a police dog while tracking a suspect that was fleeing from police. This claim is under review and is **pending**.

**John and Paula M. Sharkey** filed a claim during the month of April, 2012, in the amount of \$1,000,000 for injury incurred as the result of an accident involving a StarTran bus. This claim is under review and is **pending**.

**Raymond Strozier** filed a claim during the month of May, 2012, 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**.

**Rebekah Clark** filed a claim during the month of May, 2012, 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**.

**Jacqueline Robertson** filed a claim during the month of June, 2012, in an unspecified amount for alleged injury incurred when claimant was struck by a City vehicle while operating a motorized scooter in a crosswalk. This claim is under review and is **pending**.

**Racheal Montgomery** filed a claim during the month of June, 2012, in an unspecified amount for alleged injury incurred when claimant was a passenger on a motorized scooter that was operated by her mother, Jacqueline Robertson, when it was struck by a City vehicle in a crosswalk. This claim is under review and is **pending**.

**Leonard Hill** filed a claim during the month of June, 2012, in the amount of \$2,178.23 for expenses incurred for repair of water service which claimant alleges was caused by storm sewer installation and subsequent improper repair of water service. This claim is under review and is **pending**.

**Sharon Joyce** filed a claim during the month of July, 2012, in an unspecified amount for injury incurred when claimant allegedly fell due to a hole in grass near street. This claim is under review and is **pending**.

**Priestcellius R. Brown Jr.** filed a claim during the month of July, 2012, in the amount of \$25,000 for alleged injury incurred as the result of an accident involving police vehicles. **Priestcellius Brown Sr.** filed a separate claim for medical expenses incurred for his son arising from the accident. These claims are under review and **pending**.

**Gale and Bernice Sup** filed a claim during the month of July, 2012, in the amount of \$198,000 for alleged damages incurred as the result of a water main break. This claim is under review and is **pending**.

**The Hitchin' Post of Lincoln, Inc.** filed a claim during the month of July, 2012, in the amount of \$317,943.51 for alleged damages incurred as the result of a water main break. This claim is under review and is **pending**.

**Christopher Hepburn** filed a claim during the month of August, 2012, in the amount of \$200,000 for injury incurred when claimant lost control of his bicycle due to alleged unsafe condition of bike trail. This claim is under review and is **pending**.

**Continental Western Group, as subrogee of Insured, BGNE, Inc.** filed a subrogation claim during the month of September, 2012, for worker's compensation benefits paid on behalf of Insured's employee, Travis Birkett, who was allegedly injured as the result of a motor vehicle accident involving an Animal Control vehicle. This claim is under review and is **pending**.

**Clinton Brooks** filed a claim during the month of October, 2012, in the amount of \$100,000 on behalf of his minor children, Clinton Brooks III and Clayton Brooks, for alleged false arrest. This claim is under review and is **pending**.

**Cynthia Gustafson** filed a claim during the month of November, 2012, in the amount of \$17,000 for alleged injury incurred while claimant was a passenger on a StarTran bus. This claim is under review and is **pending**.

**Tari K. Miller** filed a claim during the month of December 2012, in the amount of \$25,000.00 for damages incurred when claimant's vehicle was struck by a vehicle that was allegedly being pursued by Lincoln Police. This claim is under review and is **pending**.

**Matthew B. Soderquist** filed a claim during the month of December 2012, in an unspecified amount for damages incurred when vehicle claimant was passenger in was struck by a vehicle that was allegedly being pursued by Lincoln police. This claim is under review and is **pending**.

**Jeremy Hoshor** filed a claim during the month of February, 2013, in an unspecified amount for injury incurred at Belmont Recreation Center. This claim is under review and is **pending**.

**Gallagher Bassett Services as subrogee of United Parcel Service** filed a subrogation claim during the month of February, 2013, in an unspecified amount for workers compensation benefits paid on behalf of John Sharkey who was injured as the result of a motor vehicle accident involving a StarTran handi-van. Mr. Sharkey was operating a UPS truck when it was rear-ended by the StarTran handivan. This claim is under review and is **pending**.

**State Farm Insurance as subrogee of Floyd Brown** filed a subrogation claim during the month of February, 2013, in an unspecified amount for medical benefits paid as the result of an accident involving a StarTran bus. This claim is under review and is **pending**.

**Blanca Rincon-Flores** filed a claim during the month of March, 2013, in an unspecified amount for damages allegedly incurred as the result of accident involving a snowplow. This claim is under review and is **pending**.

**Rafael Moreno** filed a claim during the month of March, 2013, in an unspecified amount for damages allegedly incurred as the result of accident involving a snowplow. This claim is under review and is **pending**.

**Matthew Thomas** filed a claim during the month of March, 2013, in an unspecified amount for damages incurred as the result of accident involving a Public Works vehicle. This claim is under review and is **pending**.

**Stephanie Bussinger** filed a claim during the month of March, 2013, in an unspecified amount for injury incurred as the result of accident involving a Public Works vehicle. This claim is under review and is **pending**.

**Nicole Ulm** filed a claim during the month of April, 2013, in the amount of \$200,000 for alleged damages incurred as the result of an accident involving a vehicle that was being operated by an individual who was fleeing from Police. This claim is under review and is **pending**.

**Robert T. Murray** filed a claim during the month of April, 2013, in an unspecified amount for damage incurred to sod/groundcover by L.E.S. equipment. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

**Dixie Koch** filed a claim during the month of April, 2013, in an unspecified amount for injury allegedly incurred when she tripped on a sign that was lying on sidewalk. This claim is under review and is **pending**.

**Leslie Barry** filed a claim during the month of April, 2013, in the amount of \$200,000 for alleged damages incurred as the result of claimant's arrest. This claim is under review and is **pending**.

**Farm Bureau Insurance as subrogee of Knaub & Sons, Inc.** filed a claim during the month of April, 2013, in the amount of \$1,826.77 for damage incurred to garbage truck when it was involved in an accident with a City bulldozer as the Landfill. This claim is under review and is **pending**.

**Titus DeBoer** filed a claim during the month of April, 2013, in an unspecified amount for damage incurred to tire as the result of a pothole. This claim is under review and is **pending**.

**William Siedhoff** filed a claim during the month of April, 2013, in the amount of \$31,000.00 for trees that were removed by Lincoln Electric System personnel. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

**Carla Porter** filed a claim during the month of May, 2013, in the amount of \$624.22 for damage allegedly incurred to vehicle by an L.E.S. contractor. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

**Dean and Lynda O'Connell** filed a claim during the month of May, 2013, in the amount of \$513.60 for damage allegedly incurred to sod and sprinkler by City Water personnel. This claim is under review and is **pending**.

**Ellory Harper** filed a claim during the month of May, 2013, in the amount of \$334.28 for damage allegedly incurred to vehicle as the result of a pothole. This claim is under review and is **pending**.

**Jo Angela Wesley** filed a claim during the month of May, 2013, in an unspecified amount for cell phone allegedly damaged by a Lincoln police officer. This claim is under review and is **pending**.

**Erik Root** filed a claim during the month of May, 2013, in an unspecified amount for damage incurred to vehicle as the result of accident involving a Public Works vehicle. This claim is under review and is **pending**.

**Rich Hubka** filed a claim during the month of May, 2013, in the amount of \$75.00 for damage allegedly incurred to gate by LES personnel. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

**Deb Broussard** filed a claim during the month of June, 2013, in the amount of \$147.24 for damage allegedly incurred to tires as the result of a pothole. This claim is under review and is **pending**.

**Jamie Lopez** filed a claim during the month of June, 2013, in the amount of \$312.58 for damage allegedly incurred to vehicle as the result of a pothole. This claim is under review and is **pending**.

**Jennifer Tomka on behalf of Samuel Tomka** filed a claim during the month of June, 2013, in the amount of \$4,329.28 for injury incurred to Samuel Tomka due to alleged defective ramp at Tierra Skatepark. This claim is under review and is **pending**.

**Alex Souza** filed a claim during the month of June, 2013, in the amount of \$380.23 for damage allegedly incurred to vehicle as the result of a pothole. This claim is under review and is **pending**.

#### **NEW CLAIMS FILED JUNE 16 THROUGH JUNE 30, 2013:**

**Bailard Investments LLC/Shamrock Mobile Home Park** filed a claim in an unspecified amount for damage allegedly incurred to sewer line during installation of light pole by L.E.S. personnel. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

**William Kolb** filed a claim in the amount of \$3,975.78 for damage incurred to vehicle as the result of fallen tree. This claim is under review and is **pending**.

#### **PENDING TORT LITIGATION:**

**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. Suit was filed in the Lancaster County District Court on July 27, 2010. 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 and suit was filed in the Lancaster County District Court on April 22, 2011. Litigation 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 was withdrawn and suit was filed in the Lancaster County District Court on May 1, 2012. Litigation is **pending**.

**Douglas Chonis** filed a claim and **Allstate Insurance Company** filed a subrogation claim in the amount of \$4,933.41 for damage incurred to vehicle as the result of a motor vehicle accident involving a City vehicle. Claims were reviewed by this office and denials were approved by the Lincoln City Council. Suit was filed in the Lancaster County Court. Litigation is **pending**.

**Krystle Park** filed a claim during the month of April, 2012, in the amount of \$1,000,000 for injury incurred when claimant was bitten by a police dog. This claim was reviewed by this office and denial was approved by the Lincoln City Council on August 13, 2012. Suit was filed in the Lancaster County District Court on August 31, 2012. Litigation is **pending**.

**Candace Polfus, individually and on behalf of her minor child, Robert M. Polfus**, filed a claim in February, 2012, in the amount of \$50,000 for alleged injury incurred to Robert Polfus at Uni Pool on July 6, 2011. This claim was reviewed by this office and denial was approved by the Lincoln City Council on July 30, 2012. Suit was filed in the Lancaster County Court on September 10, 2012. Litigation is **pending**.

**Arok Atem** filed a claim during the month of March, 2012, in the amount of \$1,000,000 for injury allegedly incurred when claimant was arrested and transported to the Lancaster County Jail on April 29, 2011. This claim was withdrawn and suit was filed in the Lancaster County District Court on December 11, 2012. The case has been transferred to the U.S. District Court. Litigation is **pending**.

**Clinton Brooks** filed a claim during the month of August, 2012, in an unspecified amount alleging that a Lincoln police officer did not cite an individual who allegedly pushed him. This claim was reviewed by this office and denial was approved by the Lincoln City Council on August 27, 2012. Suit was filed in the Lancaster County District Court. Litigation is **pending**.

**Dawn Amory** filed a claim during the month of November, 2012, in the amount of \$250,000 for alleged injury incurred as the result of trip and fall on sidewalk. This claim was reviewed by this office and denial was approved by the Lincoln City Council on December 17, 2012. Suit was filed in the Lancaster County District Court. Litigation is **pending**.

**Ben and Leigh Lewis on behalf of Nathan Lewis** filed a claim during the month of October, 2012, in the amount of \$220,000 for injury incurred when Nathan Lewis was riding his bicycle on railroad bridge at Wilderness Park and the wheel of his bicycle got caught between two railroad ties causing him to fall. This claim was reviewed by this office and denial was approved by the Lincoln City Council on February 25, 2013. Suit was filed in the Lancaster County District Court. Litigation is **pending**.

**Angela Schmohr** filed a claim during the month of July, 2012, in the amount of \$175,000 for alleged injury incurred as the result of accident involving a police vehicle. Suit was filed in the Lancaster County District Court. Litigation is **pending**.

**State Farm Insurance as subrogee of Insured, David Tarrence** filed a claim during the month of October, 2012, in the amount of \$17,615.65 for damage incurred to Insured's truck when it collided with an alleged low hanging tree limb. This claim was reviewed by this office and denial was approved by the Lincoln City Council on February 25, 2013. Suit was filed in the Lancaster County District Court. Litigation is **pending**.

Submitted by City Law Department  
c: Risk Management