

Exhibit "A"

July 16, 2013

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

RE: Report of Claims Against the City of Lincoln for July 1 through July 15, 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 July 1 through July 15, 2013. This report will describe the claims and the dispositions or status of these claims.

DENIED CLAIMS:

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

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

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

William Kolb filed a claim during the month of June, 2013, in the amount of \$3,975.78 for damage incurred to vehicle as the result of fallen tree. This claim has been reviewed by this office and has been **denied**.

ALLOWED/SETTLED CLAIMS:

Kip Lippold filed a claim during the month of July, 2013, in the amount of \$673.12 for damage incurred to vehicle when struck by an L.E.S. vehicle. This claim has been **settled** by the Risk Management Office in the amount of \$673.12.

Joseph Brandon filed a claim during the month of July, 2013, in the amount of \$296.37 for damage incurred to door as the result of action by Lincoln police during the execution of a "no knock" warrant. This claim has been reviewed by this office and has been **allowed** in the amount of \$296.37.

LITIGATION SETTLEMENT:

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. This case has been **settled** in the amount of \$2,500.00.

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 L.E.S. 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**.

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.

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**.

Bailard Investments LLC/Shamrock Mobile Home Park filed a claim during the month of June, 2013, 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.

NEW CLAIMS FILED JULY 1 THROUGH JULY 15, 2013:

Carla Brassell filed a claim in the amount of \$25,000 for injury allegedly incurred when claimant fell on ice outside the Lincoln Children's Museum. This claim is under review and is **pending**.

Rosalena Livers filed a claim in the amount of \$831.45 for expenses incurred when sewer line to claimant's residence was not reconnected during installation of new sewer main. This claim is under review and is **pending**.

Becky Kramer filed a claim in the amount of \$215.00 for damage allegedly incurred to windshield when struck by an errant golf ball from Mahoney Golf Course. This claim is under review and is **pending**.

Dawn Pointer filed a claim in the amount of \$118.00 for damage allegedly incurred to sod and sprinkler as the result of snow removal activity. This claim is under review and is **pending**.

Kirt Mowery filed a claim in the amount of \$65.00 for damage incurred to mailbox when it was allegedly struck by a Parks and Recreation van. This claim is under review and is **pending**.

Karly Phipps filed a claim in the amount of \$4,722.15 for damage incurred to vehicle as the result of an accident involving an L.E.S. vehicle. This claim is under review and is **pending**.

Geico Direct, as subrogee of Insured, Joshua Isaac, filed a claim in the amount of \$1,770.67 for damage incurred to Insured's vehicle when struck by a StarTran bus. This claim is under review and is **pending**.

Charles Idigima filed a claim in the amount of \$2,226.82 for damage incurred to vehicle when struck by an L.E.S. vehicle. 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**.

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