

Exhibit "A"

January 2, 2014

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

RE: Report of Claims Against the City of Lincoln for December 1 through December 31, 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 December 1 through December 31, 2013. This report will describe the claims and the dispositions or status of these claims.

DENIED CLAIMS:

Phoenix Loss Control on behalf of Time Warner Cable filed a claim during the month of November, 2013, in the amount of \$1,255.72 for damage allegedly incurred to underground cable during road construction. This claim has been reviewed by this office and has been **denied**.

Melanie Holtan filed a claim during the month of November, 2013, in the amount of \$600.00 for damage allegedly incurred to vehicle as the result of a pothole. This claim has been reviewed by this office and has been **denied**.

Dave and June Baumgartner filed a claim during the month of December, 2013, in the amount of \$41.54 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:

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 handi-van. This claim has been reviewed by this office and has been **settled** in the amount of \$65,000.

Gallagher Bassett Services as subrogee of United Parcel Service filed a subrogation claim during the month of February, 2013, in the amount of \$9,284.78 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 has been reviewed by this office and has been **settled** in the amount of \$5,000.

Rafael Moreno filed a claim during the month of March, 2013, in the amount of \$10,000 for damages allegedly incurred as the result of accident involving a snowplow. This claim has been reviewed by this office and has been **settled** in the amount of \$3,500.

Christopher Lawhead filed a claim during the month of November, 2013, in an unspecified amount for damages incurred as the result of accident involving a Parks vehicle. This claim has been **settled** by the Risk Management Office in the amount of \$10,400.00.

Maynard and Beverly Avey filed a claim during the month of December, 2013, in the amount of \$3,708.00 for damage incurred to vehicle as the result of accident involving a StarTran bus. This claim has been **settled** by the Risk Management Office in the amount of \$2,766.17.

Brian Zitek filed a claim during the month of December, 2013, in the amount of \$113.32 for expense incurred to clean vehicle after a StarTran bus sprayed oil on it. This claim has been **settled** by the Risk Management Office in the amount of \$113.32.

Trevor Mattox filed a claim during the month of December, 2013, in the amount of \$2,773.36 for damage incurred to vehicle as the result of accident involving a StarTran bus. This claim has been **settled** by the Risk Management Office in the amount of \$2,250.00.

Lee Irons filed a claim during the month of December, 2013, in the amount of \$1,305.67 for damage incurred to vehicle as the result of accident involving a police vehicle. This claim has been **settled** by the Risk Management Office in the amount of \$1,305.67.

PENDING CLAIMS:

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**.

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**.

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**.

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**.

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**.

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**.

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 alleged 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 alleged 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**.

Titus DeBoer filed a claim during the month of April, 2013, in an unspecified amount for damage allegedly 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**.

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

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.

Carla Brassell filed a claim during the month of July, 2013, 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**.

Phoenix Loss Control on behalf of Time Warner filed a claim during the month of July, 2013, in the amount of \$438.75 for damage allegedly incurred to cable during excavation for power lines. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

Jeffrey L. Kirkland filed a claim during the month of July, 2013, in the amount of \$1,966.21 for medical billings incurred when claimant was taken to hospital by Lincoln police. This claim is under review and is **pending**.

Thomas Day filed a claim during the month of July, 2013, in the amount of \$320.00 for alleged loss of property when L.E.S. contractor was cutting trees for power lines. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

Jessica Ashby and Randy Pavey filed a claim during the month of August, 2013, in the amount of \$200.00 for alleged loss of food due to electrical power being shut off. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

Ernie's Service filed a claim during the month of August, 2013, in the amount of \$2,869.44 for damage allegedly incurred to carwash when power lines were switched by L.E.S. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

Tammy Dils (Chism) filed a claim during the month of August, 2013, in the amount of \$144.00 for alleged loss of food due to electrical power being shut off. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

Robert Haberman filed a claim during the month of August, 2013, in the amount of \$220.16 for alleged damage incurred to air conditioner due to power surge. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

Lancaster Event Center filed a claim during the month of August, 2013, in the amount of \$2,893.59 for alleged damage incurred due to power surge. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

Luke Luxford filed a claim during the month of August, 2013, in the amount of \$537.38 for damage allegedly incurred to sprinkler system during installation of underground electrical line. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

Kathryn Justman and Lori Justman filed a claim during the month of August, 2013, in the amount of \$577.71 for damage allegedly incurred to windshield when it was struck by transformer that exploded. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

Melissa and Chuck Robinson filed a claim during the month of August, 2013, in the amount of \$7,061.93 for damage allegedly incurred as the result of water main break. This claim is under review and is **pending**.

Levonne Salisbury filed a claim during the month of September, 2013, in the amount of \$694.96 for expense incurred to repair electrical service after L.E.S. transformer was struck by lightning. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

Phoenix Loss Control on behalf of Time Warner filed a claim during the month of September, 2013, in the amount of \$202.25 for damage incurred to property at 6517 Ballard Avenue by L.E.S. personnel. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

Union Bank & Trust Company filed a claim during the month of September, 2013, in the amount of \$1,713.27 for damage allegedly incurred to sign when L.E.S. was repairing transformer at nearby apartment complex at 20th & Highway 2. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

FARA Insurance Services, Third Party Administrator for State of Nebraska/State Fire Marshal filed a subrogation claim during the month of October, 2013, in an unspecified amount for workers compensation benefits paid on behalf of Kaylan Lovgren who was allegedly injured when she tripped and fell on sidewalk. This claim is under review and is **pending**.

Phoenix Loss Control on behalf of Time Warner filed a claim during the month of October, 2013, in the amount of \$1,743.27 for damage allegedly incurred to underground cable. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

Denise Murtaugh filed a claim during the month of October, 2013, in the amount of \$250.00 for loss of refrigerated food that occurred when claimant's electricity was off for several days. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

Glimmer Projects LLC filed a claim during the month of October, 2013, in the amount of \$6,200.00 for damage incurred to surge protectors when L.E.S. turned power on after it had been turned off to replace pole. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

Dale and Janice Hogan filed a claim during the month of October, 2013, in an unspecified amount for damage incurred to roof of shed when tree limb fell on shed while L.E.S. was trimming tree. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

Duncan Aviation filed a claim during the month of November, 2013, in the amount of \$3,704.73 for damage incurred to equipment as the result of a power surge. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

Larry Day filed a claim during the month of November, 2013, in an unspecified amount for damage incurred to a tree during installation of underground electrical utility. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

Joy Allen filed a claim during the month of November, 2013, in an unspecified amount for damage incurred to vehicle while parked at Center Park Garage. This claim is under review and is **pending**.

Phoenix Loss Control/Time Warner filed a claim during the month of November, 2013, in the amount of \$438.75 for cable damaged during excavation. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

Erika Hull filed a claim during the month of November, 2013, in the amount of \$1,462.00 for the alleged loss of her purse and contents of purse due to police officer's negligence. This claim is under review and is **pending**.

Terry Cheney filed a claim during the month of November, 2013, in an unspecified amount for damage allegedly incurred to sidewalk as the result of excavation and installation of underground cable by L.E.S. personnel. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

Cody Pfeiffer filed a claim during the month of November, 2013, in the amount of \$98.08 for reimbursement of tow fee. This claim is under review and is **pending**.

Betty L. Sutko filed a claim in the amount of \$201.10 for damage allegedly incurred to a tire as the result of broken curb in the street. This claim is under review and is **pending**.

William G. Bauer filed in claim during the month of November, 2013, in the amount of \$5,191.79 for damage allegedly incurred as the result of a power surge. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

Renee Aupperle filed a claim during the month of November, 2013, in the amount of \$298.03 for damage incurred to mailbox when a snowplow backed into it. This claim is under review and is **pending**.

Travis Hoveling filed a claim during the month of November, 2013, in an unspecified amount for damages incurred as the result of an accident that occurred in the roundabout at 14th and Superior. Claimant alleges that the accident was proximately caused by the negligent development, construction, improvements, regulations and operation of the roundabout by the City. This claim is under review and is **pending**.

Phoenix Loss Control on behalf of Time Warner Cable filed a claim during the month of November, 2013, in the amount of \$4,963.43 for damage incurred to cable during curb repair. This claim is under review and is **pending**.

NEW CLAIMS FILED DECEMBER 1 THROUGH DECEMBER 31, 2013:

U.S. Department of Army on behalf of Jerry L. Petersen filed a claim during the month of December, 2013, in the amount of \$1,414.42 for medical payments made on behalf of Jerry L. Petersen who was allegedly injured when he tripped and fell on concrete curb while at Highlands Golf Course. This claim is under review and is **pending**.

Joyce Vrbka filed a claim during the month of December, 2013, in the amount of \$355.00 for medical expenses incurred as the result of injury sustained when claimant allegedly slipped and fell at Woods pool. This claim is under review and is **pending**.

Vickie Tucker-Hunnicut filed a claim during the month of December, 2013, in the amount of \$1,305.45 for damage allegedly incurred to vehicle as the result of striking metal object lying in the street. This claim is under review and is **pending**.

B. Schuknecht filed a claim during the month of December, 2013, in the amount of \$50.00 for reimbursement of hobbyist permit fee. This claim is under review and is **pending**.

Nationwide Insurance as subrogee of Thelander LLC filed a claim during the month of December, 2013, in the amount of \$12,074.27 for damage allegedly incurred to insured's property during street construction on O Street. This claim is under review and is **pending**.

Jeff Ahern filed a claim during the month of December, 2013, in the amount of \$264.72 for expenses allegedly incurred as the result of sanitary sewer back-up. This claim is under review and is **pending**.

Don Glasser filed a claim during the month of December, 2013, in the amount of \$417.65 for expenses allegedly incurred as a result of City maintenance of sewer line in the area of claimant's home. This claim is under review and is **pending**.

James McCown filed a claim during the month of December, 2013, in an unspecified amount for damage incurred to vehicle when allegedly struck by a Lincoln Electric System or Lincoln Water System vehicle. This claim is under review and is **pending**.

David Portenier filed a claim during the month of December, 2013, in the amount of \$98.04 for reimbursement of tow fee. This claim is under review and is **pending**.

Anthony Baumert and Angela Boule filed a claim during the month of December, 2013, in the amount of \$1,580.00 for damage allegedly incurred to sewer pipe as the result of trenching by L.E.S. personnel. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

Debra Prester and Steven Prester filed a claim during the month of December, 2013, in the amount of \$2,000,000 for injury allegedly incurred to Debra Prester as the result of trip and fall on sidewalk. Steven Prester is claiming loss of consortium. This claim is under review and is **pending**.

PENDING TORT LITIGATION:

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**.

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**.

Nationwide Insurance Co. as subrogee of Insured, James and Marti Harris filed a claim during the month of April, 1 2013, in the amount of \$9,799.42 for damage incurred to Insured's vehicle as the result of accident involving a police vehicle. This claim was reviewed by this office and denial was approved by the Lincoln City Council on June 17, 2013. Suite was filed in Lancaster County Court. Litigation is **pending**.

Submitted by City Law Department
c: Risk Management