

## Exhibit "A"

March 1, 2016

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

RE: Report of Claims Against the City of Lincoln for February 16 through February 29, 2016

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 February 16 through February 29, 2016. This report will describe the claims and the dispositions or status of these claims.

### **DENIED CLAIMS:**

**John L. Hoppe Jr.** filed a claim during the month of January, 2016, in the amount of \$506.07 for damage incurred to door of rental property as the result of action by Lincoln police. This claim has been reviewed by this office and has been **denied**.

**Kera Frederick** filed a claim during the month of February, 2016, in the amount of \$750.74 for damage allegedly incurred to vehicle as the result of potholes. This claim has been reviewed by this office and has been **denied**.

**Greg Wright** filed a claim during the month of February, 2016, in an unspecified amount 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**.

**Roger Srb** filed a claim during the month of February, 2016, in an unspecified amount for damage allegedly incurred to sod and sprinklers as the result of snow removal activity. This claim has been reviewed by this office and has been **denied**.

**Herman Wiebers** filed a claim during the month of February, 2016, in an unspecified amount 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**.

**Daniel Wheeler** filed a claim during the month of February, 2016, in an unspecified amount for damage allegedly incurred to sod and sprinklers as the result of snow removal activity. This claim has been reviewed by this office and has been **denied**.

**Terry and Pat Spencer** filed a claim during the month of February, 2016, in an unspecified amount 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**.

**Albert Breiner** filed a claim during the month of February, 2016, in an unspecified amount for damage allegedly incurred to sod and sprinklers as the result of snow removal activity. This claim has been reviewed by this office and has been **denied**.

**Troy Velder** filed a claim during the month of February, 2016, in the amount of \$765.40 for damage allegedly incurred to tire and rim as the result of pothole. This claim has been reviewed by this office and has been **denied**.

**Mindy Lubeck** filed a claim during the month of February, 2016, in the amount of \$306.91 for damage allegedly incurred to sod and sprinklers as the result of snow removal activity. This claim has been reviewed by this office and has been **denied**.

**Thomas Kripel** filed a claim during the month of February, 2016, in an unspecified amount 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**.

**Sharon Shotsman** filed a claim during the month of February, 2016, in the amount of \$248.27 for damage allegedly incurred to tire as the result of pothole. This claim has been reviewed by this office and has been **denied**.

**Renaë Oestmann** filed a claim during the month of February, 2016, in the amount of \$437.28 for damage allegedly incurred to vehicle as the result of pothole. This claim has been reviewed by this office and has been **denied**.

**Samantha Kluczynski** filed a claim during the month of February, 2016, in the amount of \$120.00 for damage allegedly incurred to tire as the result of pothole. This claim has been reviewed by this office and has been **denied**.

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

**James Dean** filed a claim during the month of December, 2015, in the amount of \$1,665.68 for damage incurred to vehicle as the result of accident involving a City vehicle. This claim has been **settled** by the Risk Management Office in the amount of \$1,665.68.

**Jeff Tuder (MedExpress)** filed a claim during the month of February, 2016, in the amount of \$1,108.38 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 \$1,108.38.

**Paul M. Ivey Jr.** filed a claim during the month of February, 2016, in the amount of \$2,217.43 for damage incurred to vehicle when struck by a City fire truck. This claim has been **settled** by the Risk Management Office in the amount of \$2,217.43.

#### **PENDING CLAIMS:**

**Joshua Ryan Corzine and Anthony Charles Turner** filed a claim during the month of May, 2014, in the amount of \$15,000 for alleged damages incurred as the result of actions by Library personnel. This claim is under review and is **pending**.

**KI and Elizabeth Dayalu** filed a claim during the month of July, 2014, in an unspecified amount for damage incurred to mailbox when it was allegedly struck by a street sweeper. This claim is under review and is **pending**.

**Arbor Day Foundation** filed a claim during the month of August, 2014, in the amount of \$4,594.52 for damage allegedly incurred as the result of water main break that occurred during P Street construction. This claim is under review and is **pending**.

**United Fire & Casualty Company as subrogee of Bouwens Plumbing** filed a claim during the month of August, 2014, in an unspecified amount for damage incurred to property owned by C Street LLC when water shot off valves installed by Bouwens Plumbing and supplied by Lincoln Water System malfunctioned causing water damage. **C Street LLC** filed a claim during the month of February, 2015, in the amount of \$12,630.90 for damage incurred to the property. This claim is under review and is **pending**.

**Lynda S. King** filed a claim during the month of September, 2014, 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**.

**Steve LaFargue** filed a claim during the month of October, 2014, in the amount of \$500,000 for injury allegedly incurred when claimant was rescued from a burning apartment building by Lincoln Fire and Rescue. This claim is under review and is **pending**.

**Larry Ball** filed a claim during the month of November, 2014, in an unspecified amount alleging he incurred physical pain and emotional distress when he was arrested by Lincoln Police while distributing leaflets in front of Pinnacle Bank Arena. This claim is under review and is **pending**.

**Olga Alfonso** filed a claim during the month of December, 2014, in the amount of \$573.98 for cell phone that was allegedly misplaced by a Lincoln police officer. This claim is under review and is **pending**.

**Brett Smith** filed a claim during the month of February, 2015, in an unspecified amount for damages incurred as the result of accident involving a StarTran bus. This claim is under review and is **pending**.

**Carlos Mungia Vazquez** filed a claim during the month of February, 2015, in an unspecified amount for injuries incurred as the result of accident involving a StarTran bus. This claim is under review and is **pending**.

**David E. Tarrence and Tamara K. Geis** filed a claim during the month of April, 2015, in the amount of \$2,700,000 for alleged damages resulting from the search of claimants' home and vehicles by Lincoln police. This claim is under review and is **pending**.

**Michael and Tonya Hare** filed a claim during the month of June, 2015, in the amount of \$10,417.00 for damage incurred as the result of sewer backup on May 7, 2015. This claim is under review and is **pending**.

**William Rezac** filed a claim during the month of June, 2015, in the amount of \$28,499.67 for damage incurred as the result of sewer backup on May 7, 2015. This claim is under review and is **pending**.

**Guy R. Urbanek** filed a claim during the month of June, 2015, in the amount of \$1,000.00 for damage incurred as the result of sewer backup on May 7, 2015. This claim is under review and is **pending**.

**Matthew and Sarah Wattier** filed a claim during the month of June, 2015, in the amount of \$74,815.62 for damage incurred as the result of sewer backups on October 1, 2014, and May 7, 2015. This claim is under review and is **pending**.

**Dorothy Oreskovich** filed a claim in the amount of \$10,455.00 for damage incurred as the result of sewer backup on May 7, 2015. This claim is under review and is **pending**.

**William Stahn** filed a claim during the month of June, 2015, in the amount of \$554.36 for damage incurred as the result of sewer backup on May 7, 2015. This claim is under review and is **pending**.

**Melva Hackbart and Lori Cook** filed a claim during the month of June, 2015, in an unspecified amount for damage incurred as the result of sewer backup on May 7, 2015. This claim is under review and is **pending**.

**David and Debora Backhus** filed a claim during the month of June, 2015, in the amount of \$6,936.93 for damage incurred as the result of sewer backup on May 7, 2015. This claim is under review and is **pending**.

**Amanda Vetter** filed a claim during the month of June, 2015, in the amount of \$4,400.00 for damage incurred as the result of sewer backup on May 7, 2015. This claim is under review and is **pending**.

**Minarick Investments LLC** filed a claim during the month of June, 2015, in the amount of \$430.90 for damage incurred as the result of sewer backup on May 7, 2015. This claim is under review and is **pending**.

**Christine Franklin** filed a claim during the month of June, 2015, in the amount of \$17,694.32 for damage incurred as the result of sewer backup on May 7, 2015. This claim is under review and is **pending**.

**Mark and Kathy Hoefs** filed a claim during the month of June, 2015, in the amount of \$4,808.50 for clean-up and an unspecified amount for damages incurred as the result of sewer backup on May 7, 2015. This claim is under review and is **pending**.

**Brian and Danielle Willey** filed a claim during the month of June, 2015, in the amount of \$10,380.00 for damage incurred as the result of sewer backup on May 7, 2015. This claim is under review and is **pending**.

**Richard Gonzalez** filed a claim during the month of June, 2015, in the amount of \$7,400.00 for damage incurred as the result of sewer backup on May 7, 2015. This claim is under review and is **pending**.

**Gary and Phyllis Allen** filed a claim during the month of June, 2015, in the amount of \$3,034.50 for damage incurred as the result of sewer backup on May 7, 2015. This claim is under review and is **pending**.

**Ronald and Pamela Brecka** filed a claim during the month of June, 2015, in the amount of \$1,000 for damage incurred as the result of sewer backup on May 7, 2015. This claim is under review and is **pending**.

**Zachariah and Amber King** filed a claim during the month of July, 2015, in the amount of \$1,000 for damage incurred as the result of sewer backup on May 7, 2015. This claim is under review and is **pending**.

**Colliers International** filed a claim during the month of July, 2015, in the amount of \$5,912.95 for damage allegedly incurred to water line by L.E.S. contractor. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

**Susan Dermer** filed a claim during the month of August, 2015, in the amount of \$44,593.61 for damage incurred as the result of sewer backup on May 7, 2015. This claim is under review and is **pending**.

**Sharnick Compton** filed a claim during the month of August, 2015, in the amount of \$250,000 for dog that was shot by a Lincoln police officer when officers were responding to a disturbance at claimant's home. This claim is under review and is **pending**.

**Trover Solutions, Inc. on behalf of IMT Insurance Co. as subrogee of Brock Shelton** filed a subrogation claim during the month of August, 2015, in the amount \$5,000 for damage incurred to insured's property as the result of sewer backup on May 7, 2015. This claim is under review and is **pending**.

**Emily Kline** filed a claim during the month of August, 2015, in an unspecified amount for injury incurred as the result of trip on sidewalk. This claim is under review and is **pending**.

**Antonio Tyrone Williams** filed a claim during the month of September, 2015, seeking compensation in the amount of \$10,800 for incarceration, loss of employment and wages, and mental anguish as the result of his arrest. This claim is under review and is **pending**.

**Lhonda and Paul Larson** filed a claim during the month of October, 2015, in the amount of \$1,600.00 for damage allegedly incurred to water shut off valve during backfilling by the City after claimants had their water line repaired. This claim is under review and is **pending**.

**Autumn Mower** filed a claim during the month of December, 2015, in the amount of \$11,290.21 for expenses incurred as the result of sewer back-up that allegedly occurred due to disconnection of sewer service. This claim is under review and is **pending**.

**Ben Henderson** filed a claim during the month of December, 2015, in the amount of \$80.00 for damage incurred to apartment door as the result of action by Lincoln police. This claim is under review and is **pending**.

**Alyssa Stander** filed a claim during the month of December, 2015, in the amount of \$25,000 for injury incurred when claimant allegedly cut her foot on a "water main pipe" protruding from the ground. This claim is under review and is **pending**.

**Brenda Bolejack** filed a claim during the month of January, 2016, in an unspecified amount for damage allegedly incurred as the result of interruption of electrical service. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

**McKinnis Roofing** filed a claim during the month of January, 2016, in the amount of \$2,902.50 for damage incurred as the result of sewer back-up. This claim is under review and is **pending**.

**Farmers Mutual as subrogee of Jennifer and Joseph Hennecke** filed a claim during the month of January, 2016, in the amount of \$5,000.00 for damage incurred to insured's property as the result of sewer back-up. This claim is under review and is **pending**.

**Lindsay Carnrick** filed a claim during the month of January, 2016, in the amount of \$3,156.80 for damage incurred to vehicle when claimant backed into an ice covered hole in the parking lot at Bowling Lake Park. This claim is under review and is **pending**.

**Julia Mayer-Adams** filed a claim during the month of February, 2016, in the amount of \$928.80 for damage incurred to vehicle when allegedly struck by the door of a City-owned vehicle while parked in City employee parking lot. This claim is under review and is **pending**.

**Theodore McCray** filed a claim during the month of February, 2016, in an unspecified amount for alleged loss of personal property when he was arrested. This claim is under review and is **pending**.

**Jeffrey and Ruth Gunther** filed a claim during the month of February, 2016, in the amount of \$500.00 for damage incurred to mailbox when struck by a StarTran bus. This claim is under review and is **pending**.

**Phoenix Loss Control on behalf of Time Warner** filed a claim during the month of February, 2016, in the amount of \$1,229.70 for damage allegedly incurred to underground cable by L.E.S. contractor. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

**Krysta Foster** filed a claim during the month of February, 2016, in the amount of \$1,048.98 for damage incurred to vehicle as the result of striking a piece of metal that allegedly broke off of a City snowplow and landed in the street. This claim is under review and is **pending**.

**Randy Borg** filed a claim during the month of February, 2016, in the amount of \$1,400.00 for damage allegedly incurred to driveway by L.E.S. contractor. 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 February, 2016, in the amount of \$438.75 for damage allegedly incurred to underground cable by L.E.S. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

**Rachel King** filed a claim during the month of February, 2016, in the amount of \$178.44 for damage incurred to vehicle when struck by a City snowplow. This claim is under review and is **pending**.

**August Carlson** filed a claim during the month of February, 2016, in the amount of \$1,264.13 for damage incurred to vehicle when struck by a StarTran bus. This claim is under review and is **pending**.

**Kari McConkey** filed a claim during the month of February, 2016, in the amount of \$1,907.44 for damage allegedly incurred to vehicle as the result of snow removal activity. This claim is under review and is **pending**.

**European Auto Tech** filed a claim during the month of February, 2016, in the amount of \$96.47 for cleaning expense incurred as the result L.E.S. employee allegedly tracking mud on carpet. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

**Farmers Mutual of Nebraska as subrogee of Ward Hoppe LLC** filed a claim during the month of February, 2016, in the amount of \$9,693.56 for damage incurred to insured's property when it was struck by a vehicle operated by an individual who was fleeing arrest. This claim is under review and is **pending**.

**Shane Williams** filed a claim during the month of February, 2016, in the amount of \$290.98 for damage allegedly incurred to vehicle as the result of snow removal activity. This claim is under review and is **pending**.

**Leanne Edwards** filed a claim during the month of February, 2016, in the amount of \$378.91 for damage allegedly incurred to tire and rim as the result of pothole. This claim is under review and is **pending**.

**NEW CLAIMS FILED DURING THE PERIOD OF FEBRUARY 16 THROUGH FEBRUARY 29, 2016:**

**Sergey Gevorkov** filed a claim in the amount of \$1,851.50 for damage incurred to vehicle as the result of accident involving a City vehicle. This claim is under review and is **pending**.

**Bruce Prenda** filed a claim in the amount of \$366.18 for damage allegedly incurred to vehicle as the result of pothole. This claim is under review and is **pending**.

**Tim Cronin** filed a claim in the amount of \$499.99 for damage incurred to cell phone during police investigation. This claim is under review and is **pending**.

**State Farm as subrogee of Wade Stange** filed a claim in the amount of \$1,989.56 for damage incurred to insured's vehicle and medical benefits paid on behalf of insured as the result of accident involving a City vehicle. This claim is under review and is **pending**.

**Carolyn and Ceyenna Barnhill** filed a claim in the amount of \$156.95 for damage allegedly incurred to tire as the result of pothole. This claim is under review and is **pending**.

**Julie Nicewonger** filed a claim in the amount of \$3,939.32 for damage incurred to vehicle when it was struck by a City snowplow. This claim is under review and is **pending**.

**Tracy McCants** filed a claim in the amount of \$100. for damage allegedly incurred to vehicle as the result of pothole. This claim is under review and is **pending**.

**Randy and Jean Hinton** filed a claim in an unspecified amount for damage allegedly incurred to vehicle as the result of pothole. This claim is under review and is **pending**.

**Gweneth Ritchie** filed a claim in the amount of \$127.00 for damage allegedly incurred to sod and sprinklers as the result of snow removal activity. This claim is under review and is **pending**.

**Melissa S. Stutzman** filed a claim in the amount of \$500.00 for damage incurred to vehicle as the result of striking a piece of metal that allegedly broke off of a City snowplow and landed in the street. This claim is under review and is **pending**.

**PENDING TORT LITIGATION:**

**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. 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 and litigation is **pending**.

**Leroy Duffie** filed a claim during the month of August, 2012, in the amount of \$200,000 alleging that he was injured during an incident involving Lincoln police. This claim was withdrawn and suit was filed in Lancaster County District Court. The case was transferred to the U.S. District Court and on June 3, 2015, the Court granted summary judgment in favor of the City and Lincoln police officers. Plaintiff has appealed to the U.S. Court of Appeals. 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 and 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 Lancaster County District Court. On August 13, 2015, the District Court granted summary judgment in favor of the City of Lincoln. Plaintiff has appealed to the Nebraska Court of Appeals. Litigation 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 was withdrawn and suit was filed in the Lancaster County District Court. Litigation is **pending**.

**John Crow** filed a claim during the month of October, 2012, in the amount of \$200,000 alleging that he was misclassified as an independent contractor and wrongfully terminated from his position as the PGA Professional for the Holmes Golf Course. This claim was reviewed by this office and denial was approved by the Lincoln City Council on November 19, 2012. Suit was filed in the Lancaster County District Court. On October 19, 2015, the District Court granted dismissal in favor of the City of Lincoln. Plaintiff has appealed to the Nebraska Court of Appeals. Litigation is **pending**.

**Elisa O'Dell and John O'Dell** filed a claim during the month of April, 2014, in an unspecified amount for damages incurred as the result of a motor vehicle accident which claimant alleges was caused by malfunctioning traffic signal lights. This claim was reviewed by this office and denial was approved by the Lincoln City Council on April 28, 2014. Suit was filed in Lancaster County District Court and litigation is **pending**.

**Shayla Funk** filed a claim during the month of March, 2014, in the amount of \$1,200,000 alleging she was falsely arrested and suffered humiliation, inconvenience, mental anguish, loss of wages and earning capacity and damage to her reputation as the result of photographs posted of her on the "Crime Stoppers" website. Suit was filed in the Lancaster County District Court and judgment was found in favor of Plaintiff Shayla Funk. The City of Lincoln has filed an appeal to the Nebraska Court of Appeals. Litigation is **pending**.

**Michael Marsh** filed a claim during the month of March, 2015, in the amount of \$250,000 for alleged injury incurred as the result of bicycle accident at a street construction site. Claimant alleges that due to inadequate warning he rode his bicycle into freshly poured concrete which caused him to be thrown from his bicycle. Suit was filed in the Lancaster County District Court. Litigation is **pending**.

**Luevonne Murrell** filed a claim during the month of March, 2015, in an unspecified amount for alleged injury incurred when vehicle that claimant was a passenger in was struck by a City police vehicle. Suit was filed in the Lancaster County District Court. Litigation is **pending**.

**Kejjan Hesso** filed a claim during the month of September, 2014, in the amount of \$100,000.00 for alleged injury incurred as the result of accident involving a StarTran bus. This claim was withdrawn and suit was filed in the Lancaster County District Court. Litigation is **pending**.

Submitted by City Law Department  
c: Risk Management