

Exhibit "A"

February 16, 2018

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

RE: Report of Claims Against the City of Lincoln for February 1 through February 15, 2018

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 1 through February 15, 2018. This report will describe the claims and the dispositions or status of these claims.

DENIED CLAIMS:

Kelli Johnson filed a claim during the month of November, 2017, in the amount of \$1,000,000 for alleged damages incurred as the result of accident involving a Parks and Recreation vehicle. This claim has been reviewed by this office and has been **denied**.

Kelly Richter filed a claim during the month of January, 2018, in the amount of \$383.88 for damage incurred to vehicle due to alleged improper placement of traffic cones. This claim has been reviewed by this office and has been **denied**.

Andy McNeil filed a claim during the month of February, 2018, in the amount of \$68.63 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:

Fleet Response as subrogee of Topbuild Corp. filed a claim during the month of December, 2017, in the amount of \$533.76 for damage incurred to insured's vehicle as the result of accident involving a StarTran bus. This claim has been reviewed by this office and has been **allowed** in the amount of \$533.76.

Donald and Jordan Straight filed a claim during the month of January, 2018, in the amount of \$8,663.55 for damage incurred to vehicle as the result of accident involving a City vehicle. This claim has been **settled** by this Risk Management Office in the amount of \$8,654.15.

Lwel Doh Moo filed a claim during the month of January, 2018, in an unspecified amount 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 \$2,000.00.

Kurtis Smith filed a claim during the month of February, 2018, in the amount of \$203.19 for damage incurred to windshield of vehicle as the result of snow removal activity on Salt Creek Roadway in the vicinity of 1640 Holdrege Street. This claim has been reviewed by this office and has been **allowed** in the amount of \$203.19.

WITHDRAWN CLAIM:

Aaron Peth filed a claim during the month of December, 2017, in the amount of \$250,000 for alleged loss of employment opportunity at Lincoln Fire and Rescue. This claim has been **withdrawn**.

PENDING CLAIMS:

State Farm Insurance as subrogee of Brock Ambroz filed a subrogation claim during the month of April, 2017, in amount of \$4,607.10 for medical benefits paid on behalf of insured as the result of accident involving a City vehicle. **Blaine and Kristi Ambroz** filed a claim during the month of February, 2018, in the amount of \$11,753.00 for out-of-pocket expenses and inconvenience and suffering as a result of the accident. This claim is under review and is **pending**.

Walt C. Broer/JB Equestrian Academy filed a claim during the month of May, 2017, in an unspecified amount for declaratory and injunctive relief relating to Pioneers Park bridal path. This claim is under review and is **pending**.

Sara Powell filed a claim during the month of June, 2017, in the amount of \$869.70 for damage incurred as the result of sanitary sewer back-up. This claim is under review and is **pending**.

Robert Welch filed a claim during the month of June, 2017, in an unspecified amount for alleged damage incurred to windshield from a piece of metal thrown from a City mower. This claim is under review and is **pending**.

Enriqueta Andrade filed a claim during the month of August, 2017, in an unspecified amount for damage incurred to vehicle as the result of accident involving a Parks vehicle. **Progressive Insurance as subrogee of Alejandro Andrade** filed subrogation claims for property damage and medical payments made on behalf of Maria Andrade and Andrea Andrade, passengers in vehicle operated by Enriqueta Andrade. **Maria Andrade** has filed notice of claim resulting from the accident. These claims are under review and **pending**.

Nicholas Watkins filed a claim during the month of September, 2017, in an unspecified amount for medical expenses as the result of accident involving a police vehicle. This claim is under review and is **pending**.

Terrance Williams and Kaneesha Mallory filed a claim during the month of October, 2017, in the amount of \$1,000,000 for alleged damages incurred as the result of incident at Ballard pool. This claim is under review and is **pending**.

Terrance Williams and Kaneesha Mallory on behalf of Terranasia Williams filed a claim during the month of October, 2017, in the amount of \$1,000,000 for alleged damages incurred as the result of incident at Ballard pool. This claim is under review and is **pending**.

Terrance Williams and Kaneesha Mallory on behalf of Terreniyah Williams filed a claim during the month of October, 2017, in the amount of \$1,000,000 for alleged damages incurred as the result of incident at Ballard pool. This claim is under review and is **pending**.

Terrance Williams and Kaneesha Mallory on behalf of Terreonna Williams filed a claim during the month of October, 2017, in the amount of \$1,000,000 for alleged damages incurred as the result of incident at Ballard pool. This claim is under review and is **pending**.

Century Sales and Management LLC filed a claim during the month of October, 2017, in the amount of \$292.59 for expense incurred as the result of alleged failure by L.E.S. to properly process ownership transfer of electrical service to property recently acquired by claimant. This claim is **pending** review and ratification by L.E.S. Administrative Board.

State Farm Insurance as subrogee of Ronald Bouwens filed a claim during the month of October, 2017, in amount of \$4,971.70 for damage incurred to insured's vehicle as the result of accident involving StarTran bus. This claim is under review and is **pending**.

Joel Maynard filed a claim during the month of October, 2017, in an unspecified amount for alleged injury incurred as the result of accident involving City vehicle. This claim is under review and is **pending**.

MK Builders, Inc. filed a claim during the month of November, 2017, in the amount of \$1,300.02 for alleged expense incurred due to L.E.S. contractor hitting gas line which caused evacuation of area that claimant was working. This claim is **pending** review and ratification by L.E.S. Administrative Board.

State Farm Insurance as subrogee of Constance Wagner filed a subrogation claim during the month of November, 2017, in the amount of \$2,999.20 for damage incurred to insured's vehicle as the result of accident involving a StarTran bus. This claim is under review and is **pending**.

CJ Happold filed a claim during the month of November, 2017, in an unspecified amount for alleged damage incurred to fence by L.E.S. This claim is **pending** review and ratification by L.E.S. Administrative Board.

Randy Colton filed a claim during the month of December, 2017, in the amount of \$95.95 for alleged property damage caused by temporary power line. This claim is **pending** review and ratification by L.E.S. Administrative Board.

Scott and Kim Griffith filed a claim during the month of December, 2017, in the amount of \$231.00 for electrician expenses incurred as the result of alleged problem with L.E.S. service. This claim is **pending** review and ratification by L.E.S. Administrative Board.

Concorde Management and Development, Inc. filed a claim during the month of December, 2017, in the amount of \$4,965.90 for damages allegedly incurred due to disconnection of sewer service to property during sewer main replacement. This claim is under review and is **pending**.

NRMA as third party administrator for State of Nebraska filed a claim during the month of December, 2017, in an unspecified amount for damage incurred to property when employee of L.E.S. allegedly left a valve open causing steam from boiler to damage storage area and contents of storage area at 1526 K Street. This claim is **pending** review and ratification by L.E.S. Administrative Board.

Samantha Raber filed a claim during the month of December, 2017, in the amount of \$1,101.65 for damage incurred to vehicle as the result of being struck by a police vehicle. This claim is under review and is **pending**.

Phoenix Loss Control on behalf of Charter Communications filed a claim during the month of January, 2018, in the amount of \$443.37 for damage allegedly incurred to underground cable by L.E.S. This claim is **pending** review and ratification by L.E.S. Administrative Board.

Sheila Scheinost filed a claim during the month of January, 2018, in the amount of \$1,000,000 for injury incurred when struck by a StarTran bus. This claim is under review and is **pending**.

Joseph Cotton filed a claim during the month of January, 2018, in the amount of \$1,000,000 for alleged injury incurred as the result of incident involving Lincoln police. This claim is under review and is **pending**.

Weston Edmond filed a claim during the month of January, 2018, in the amount of \$501.44 for damage incurred to tires as the result of striking median which claimant alleges was not properly signed. This claim is under review and is **pending**.

Melissa Kumke filed a claim during the month of January, 2018, in the amount of \$118.63 for damage allegedly incurred to tire due to broken concrete storm drain. This claim is under review and is **pending**.

Jack Irons filed a claim during the month of January, 2018, in the amount of \$600.00 for damage incurred to door of rental property as the result of action by Lincoln police. This claim is under review and is **pending**.

Scott Hove filed a claim during the month of January, 2018, in the amount of \$1,392.52 for damage incurred to vehicle as the result of accident involving a City vehicle. This claim is under review and is **pending**.

NEW CLAIMS FILED DURING THE PERIOD OF FEBRUARY 1 THROUGH FEBRUARY 15, 2018:

Madronnah Jackson filed a claim in the amount of \$3,300 for damage incurred to property when suspect drove stolen vehicle into apartment building. This claim is under review and is **pending**.

Scott Loder filed a claim in the amount of \$531.59 for damage allegedly incurred to vehicle as the result of snow removal activity. This claim is under review and is **pending**.

Jennifer Black filed a claim in the amount of \$387.85 for damage incurred to tire and rim as the result of striking median which claimant alleges was not properly marked. This claim is under review and is **pending**.

Strategic Legacy Advisors filed a claim in the amount of \$622.05 for damage incurred as the result of sewer back-up. This claim is under review and is **pending**.

Bob Finley filed a claim in the amount of \$500.00 for damage incurred to balsa wood jet during inspection of new water heater. This claim is under review and is **pending**.

State Farm as subrogee of Brian Lawrence filed a subrogation claim in an unspecified amount for damage incurred to insured's vehicle as the result of accident involving a City snowplow. This claim is under review and is **pending**.

Enterprise filed a claim in the amount of \$265.83 for damage incurred to vehicle as the result of accident involving an L.E.S. vehicle. 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 has been filed in the Lancaster County Court and 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 appealed to the Nebraska Court of Appeals. The Court of Appeals affirmed the District Court's dismissal with prejudice of Crow's first cause of action (tort claim under the PSTCA) and second and third causes of action (inverse condemnation). The Court of Appeals reversed and remanded to the District Court for further proceedings the dismissal with prejudice of Crow's fourth cause of action (due process and equal protection) and fifth cause of action (Nebraska Wage Payment and Collection Act). Litigation is **pending**.

Susan Dermer filed a claim during the month of November, 2014, in the amount of \$10,226.02 for alleged damages incurred as the result of sewer backup on October 1, 2014. This claim was reviewed by this office and denial was approved by the Lincoln City Council on June 29, 2015. Suit has been filed in Lancaster County District Court and litigation is **pending**.

Susan Dermer filed a claim during the month of August, 2015, in the amount of \$44,593.61 for alleged damages incurred as the result of sewer backup on May 7, 2015. This claim was reviewed by this office and denial was approved by the Lincoln City Council on May 2, 2016. Suit has been filed in Lancaster County District Court and litigation is **pending**.

Barine Deeza filed a claim during the month of April, 2016, in the amount of \$1,000,000 for alleged injuries incurred when claimant was arrested. Suit has been filed in U.S. District Court and litigation is **pending**.

Terry Danek filed a claim during the month of May, 2016, in the amount of \$28,310.35 for damage allegedly incurred as the result of sewer backup on May 7, 2015. Claimant withdrew his claim and filed suit in Lancaster County District Court. Litigation is **pending**.

Heather Ross filed a claim during the month of July, 2016, in the amount of \$1,000,000 for alleged injury incurred when claimant slipped and fell while entering the pool at Star City Shores. This claim was reviewed by this office and denial was approved by the Lincoln City Council on September 19, 2016. **Christopher Murphy** filed a claim during the month

of November, 2016, in the amount of \$500,000 for alleged loss of consortium as the result of Ms. Ross's slip and fall at Star City Shores. This claim was reviewed by this office and denial was approved by the Lincoln City Council on December 5, 2016. Suit has been filed in Lancaster County District Court and litigation is **pending**.

Wyatt Ryan filed a claim during the month of July, 2016, in an unspecified amount for damages and injuries incurred as the result of accident involving a StarTran bus. This claim was reviewed by this office and denial was approved by the Lincoln City Council on December 19, 2016. Suit has been filed in Lancaster County District Court and litigation is **pending**.

Kathy Girard-Williams and Michael Williams filed a claim during the month of August, 2016, in the amount of \$1,000,000 for alleged injury incurred when Ms. Girard-Williams was riding her bicycle and struck a tree branch hanging over sidewalk. This claim was reviewed by this office and denial was approved by the Lincoln City Council on October 24, 2016. Suit has been filed in Lancaster County District Court and litigation is **pending**.

Rose Marie Lunn filed a claim during the month of November, 2016, in an unspecified amount for alleged injury incurred when claimant fell on the North 10th Street Pedestrian Bridge northwest of Memorial Stadium on September 17, 2016. This claim was reviewed by this office and denial was approved by the Lincoln City Council on December 19, 2016. Suit has been filed in Lancaster County District Court and litigation is **pending**.

Christopher J. Varga filed a claim during the month of June, 2017, in the amount of \$5,000.00 alleging his personal property was not properly secured by law enforcement officers when he was arrested on November 30, 2015. This claim was reviewed by this office and denial was approved by the Lincoln City Council on June 26, 2017. Suit has been filed in Lancaster County Court and litigation is **pending**.

Ally Financial filed a claim during the month of April, 2017, in the amount of \$10,631.00 for vehicle sold at auction. Suit has been filed in Lancaster County District Court and litigation is **pending**.

Submitted by City Law Department
c: Risk Management