

Exhibit "A"

September 1, 2006

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

RE: Report of Claims Against the City of Lincoln for August 16 through August 31, 2006

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 August 16 through August 31, 2006. This report will describe the claims and the dispositions or status of these claims.

ALLOWED/SETTLED CLAIMS:

Teresa K. McKeon filed a claim in the amount of \$30,000 for damages incurred as the result of an accident involving a street sweeper. This claim has been reviewed by this office and has been **settled** in the amount of \$11,000.

DENIED CLAIMS:

Rod Laschanzky and Penny Laschanzky filed a claim during the month of June, 2006, in an unspecified amount for injury incurred to their minor daughter when she tripped on a speed bump on Old Glory Road. This claim has been reviewed by this office and has been **denied**.

Ava M. Obst filed a claim during the month of August, 2006, in the amount of \$5,314.40 for damage incurred to vehicle when it was driven into an excavation in the street. This claim has been reviewed by this office and has been **denied**.

Mark Loseke filed a claim during the month of August, 2006, in the amount of \$2,755.00 for expense incurred for repair of sewer line which claimant alleges was damaged during a water main project. This claim has been reviewed by this office and has been **denied**.

Distribution, Inc. filed a claim during the month of August, 2006, in the amount of \$22,154.44 for charges billed for water service and the attempted abandonment of an unused water line. This claim has been reviewed by this office and has been **denied**.

Bret Detlefsen filed a claim during the month of August, 2006, in the amount of \$200 for reimbursement of improper registration fines. This claim has been reviewed by this office and has been **denied**.

Jason Runge filed a claim during the month of August, 2006, in the amount of \$300 for reimbursement of improper registration fines. This claim has been reviewed by this office and has been **denied**.

State Farm Insurance (Claim No. 27-7736-164/Teddy J. Fairbanks, Insured) filed a subrogation claim during the month of August, 2006, in the amount of \$1,915.22 for damage incurred to insured's vehicle as the result of a motor vehicle accident which occurred at an intersection that was being controlled by a Lincoln police officer directing traffic. This claim has been reviewed by this office and has been **denied**.

WITHDRAWN CLAIM:

James McCarthy filed a claim during the month of July, 2005, in an unspecified amount for injury incurred as the result of an accident. Claimant was crossing "O" Street in the crosswalk at 11th Street in his motorized wheelchair and was struck by a truck. Claimant alleged that the proximate cause of the accident was the City of Lincoln's failure to properly maintain the pedestrian crossing lights. By letter from counsel for claimant of August 30, 2006, this claim has been **withdrawn**.

PENDING CLAIMS:

Richard Kister filed a claim during the month of August, 2005, in an unspecified amount for damages incurred as the result of an accident involving a StarTran bus. This claim is under review and is **pending**.

American Family Insurance Group (Claim No. 00-071-423264-0422/Shannon Johnson, Insured) filed a subrogation claim in the amount of \$5,000 for payment of medical expenses incurred as the result of an accident involving insured and a Lincoln police vehicle. This claim is under review and is **pending**.

Thomas Beran and Carol Beran, husband and wife, individually, and as natural guardians and next friend of Brady Beran, filed a claim during the month of September, 2005, in an unspecified amount. Claimants allege that as a result of acts and omissions of the City, injuries that Brady Beran incurred during a high school football game were not promptly treated and that the delayed treatment caused exacerbated injuries. This claim is under review and is **pending**.

Charles Teeters and Kristina Teeters filed a claim during the month of October, 2005, for damages incurred as the result of an accident involving a StarTran bus. The property damage claim was settled by the Risk Management Office in the amount of \$2,879.16. The personal injury portion of this claim is **pending**. **Motor Club Insurance Association (Claim No. 040951/Charles Teeters, Insured)** has filed a subrogation claim in the amount of \$3,635.60 for payment of medical expenses incurred as a result of the accident involving insured and the StarTran bus. This claim is under review and is **pending**.

Lillian Irene Gembler filed a claim during the month of November, 2005, in the amount of \$4,355,000 for injuries incurred when claimant was struck by a vehicle as she was walking in the crosswalk at 11th & "O" Street. The vehicle that struck claimant is owned by the City of Lincoln and was being driven by an employee of the Downtown Lincoln Association. This claim is under review and is **pending**.

Azim Ebrahim filed a claim during the month of March, 2006, in an unspecified amount for injury incurred when claimant allegedly slipped on ice at the parking lot at 427 South 10th Street. This claim has been referred to the insurance carrier for processing.

Robyn Spaeth filed a claim during the month of April, 2006, in the amount of \$665.49 for damage incurred to vehicle when it was struck by an errant golf ball from Mahoney Golf Course. This claim has been referred to the insurer for the manager of the golf course and is **pending**.

Arlene Brubaker filed a claim during the month of April, 2006, in an unspecified amount for injury incurred while claimant was a passenger on a StarTran handivan. This claim is under review and is **pending**.

Richard Zierke filed a claim during the month of May, 2006, in an unspecified amount for damage incurred to sod allegedly as the result of "Roundup" sprayed by City personnel. This claim is under review and is **pending**.

Tyson Poskochil filed a claim during the month of May, 2006, in the amount of \$3,584.28 for damages incurred as the result of a sanitary sewer back-up. This claim is under review and is **pending**.

Bill Crawford filed a claim during the month of May, 2006, in an unspecified amount for injury incurred when claimant's wheelchair tipped over while he was a passenger on a StarTran handivan. This claim is under review and is **pending**.

State Farm Insurance (Claim No. 27-7735-503/Yaroslav Krasivsky, Insured) filed a subrogation claim during the month of May, 2006, in an unspecified amount resulting from a motor vehicle accident involving its insured and a vehicle driven by an employee of the Aging Division. This claim is under review and is **pending**.

Laurie A. Colburn filed a claim during the month of May, 2006, in an unspecified amount for damages incurred as the result of a motor vehicle accident involving her vehicle driven by her daughter, Jessica Colburn, and two L.E.S. vehicles. The property damage portion of this claim was settled by the Risk Management Office in the amount of \$3,000. The personal injury claim is under review and is **pending**.

Tyler Millsap and Michelle Millsap filed a claim during the month of July, 2006, in an unspecified amount for injury incurred to their minor child at Star City Shores. This claim is under review and is **pending**.

Sandy Dorn filed a claim during the month of August, 2006, in an unspecified amount for damage incurred as the result of broken water meter. This claim is under review and is **pending**.

Mariann and Robert Bevins filed a claim during the month of August, 2006, in the amount of \$120.00 for expense incurred as the result of a sanitary sewer back-up. This claim is under review and is **pending**.

State of Nebraska filed a claim during the month of August, 2006, in the amount of \$971.28 for damage incurred to vehicle as the result of an accident involving a StarTran bus. This claim is under review and is **pending**.

Georgia Love filed a claim during the month of August, 2006, in the amount of \$35.00 for damage incurred to her cane when she was a passenger on a StarTran bus. This claim is under review and is **pending**.

E & K Drywall filed a claim during the month of August, 2006, in the amount of \$612.00 for damage incurred to equipment at the Landfill. This claim is under review and is **pending**.

Joe Wendler filed a claim during the month of August, 2006, in the amount of \$7,504.36 for damage incurred as the result of a sanitary sewer back-up. This claim is under review and is **pending**.

PENDING TORT LITIGATION:

Sandra Mueller filed a claim during the month of January, 2003, in the amount of \$650,000 for alleged damages incurred as the result of an alleged incident involving a vehicle operated by a Lincoln Electric System employee. Sandra Mueller's husband, **Duane Mueller**, has filed a claim in the amount of \$250,000 for alleged damages incurred as a result of the alleged incident. These claims were referred to counsel for Lincoln Electric System. A suit was filed in the Lancaster County District Court on August 5, 2003. Litigation is **pending**.

Suzanne Cain filed a claim during the month of July, 2003, in the amount of \$500,000 for injury allegedly incurred as the result of a trip and fall on sidewalk. This claim was reviewed by this office and denial of this claim was approved by the City Council on February 2, 2004. **American International Recovery, Inc. (Omni Behavioral Health, Insured)** filed a subrogation claim during the month of April, 2003, for workers compensation benefits paid on behalf of the insured's employee, Suzanne Cain, as a result of her trip and fall accident. This claim was reviewed by this office and denial of this claim was approved by the City Council on February 23, 2004. A suit was filed in the Lancaster County District Court on March 10, 2004, naming Gold's Limited Partnership and City of Lincoln, Nebraska as Defendants and Omni Behavioral Health, Inc. and American International Recovery, Inc. as Third-Party Defendants. Litigation is **pending**.

Barbara Poppe and Arthur Poppe filed a claim during the month of November, 2003, in the amount of \$1,000,000 in connection with the death of their daughter, Heather Poppe, as the result of a motor vehicle accident involving a vehicle that was driven by a Robin Siefker. Claimants allege that Lincoln police had been notified that Mr. Siefker was likely to be a danger to himself or others, and therefore, claimants allege that Mr. Siefker should have been in police custody at the time of the accident. This claim was reviewed by this office and denial of this claim was approved by the City Council on December 5, 2003. A suit was filed in the Lancaster County District Court on November 24, 2004. On February 14, 2005, the Court sustained the City of Lincoln's motion to dismiss. Plaintiff has appealed. Litigation is **pending**.

Allied Insurance (Claim No. 26E29478/Allan Albers, Insured) filed a claim during the month of March, 2004, in the amount of \$1,685.50 for damage incurred to insured's vehicle as the result of an accident involving a City street sweeper. This claim was reviewed by this office and denial of this claim was approved by the City Council on December 6, 2004. A suit was filed in the Lancaster County Court on February 28, 2005. Litigation is **pending**.

Donna Lilly and Michael Lilly filed a claim during the month of September, 2004, against the City of Lincoln, Lancaster County, and the Public Building Commission in the amount of \$1,000,000 for alleged damages incurred as the result of injuries Donna Lilly sustained when she allegedly slipped and fell on the steps of the County/City Building, which claimant alleges were ice and snow-covered. The claim against the City of Lincoln was reviewed by this office and denial was approved by the City Council on September 27, 2004. A suit was filed in the Lancaster County District Court on March 23, 2005, naming the Public Building Commission, Lancaster County, and the City of Lincoln as Defendants. Plaintiffs are seeking special damages in the amount of \$34,000 and general damages. On February 22, 2006, the City of Lincoln and Lancaster County were **dismissed** from the suit. The only remaining defendant is the Public Building Commission.

Roberto Mancilla, Rubia Menendez, and David Mancilla Menendez filed a claim during the month of May, 2004, in an unspecified amount for damages incurred as the result of a motor vehicle accident involving a Lincoln police vehicle. A suit was filed in the Lancaster County District Court on April 28, 2005, naming Lincoln Police Officer Champoux and the City of Lincoln as Defendants. Plaintiffs are seeking special damages in the amount of \$21,872.55, future medical expenses, and general damages for pain and suffering. Litigation is **pending**.

Kim Roehrs-Lary filed a claim during the month of January, 2005, in the amount of \$100,000 for injury incurred when claimant allegedly fell in a hole located in alley behind Bethany Christian Church. A suit was filed in the Lancaster County District Court on September 7, 2005, naming the City of Lincoln and Bethany Christian Church as Defendants. Litigation is **pending**.

Ashley S. Chaves filed a claim during the month of September, 2005, in an unspecified amount for damages incurred as the result of an accident involving a Lincoln fire truck. This claim was reviewed by this office and denial of this claim was approved by the City Council on October 17, 2005. A suit was filed in the Lancaster County Court on December 13, 2005, naming the City of Lincoln and Kenton P. Schuster as Defendants. Litigation is **pending**.

Ettamae Branstetter filed a claim during the month of July, 2005, in an unspecified amount for injury incurred when the automated door at the Eisley Library struck the claimant as she was exiting the Library causing her to fall. Claimant was a volunteer at the Library. This claim was reviewed by this office and denial of this claim was approved by the City Council on March 6, 2006. A Complaint was filed in the Lancaster County District Court on April 19, 2006. Litigation is **pending**.

Troy Stonacek and Shari Stonacek filed a claim during the month of July, 2005, in an unspecified amount for alleged damages incurred as the result of alleged failure to provide claimants with proper base flood elevations prior to construction of claimants' home. This claim was withdrawn on February 3, 2006, and suit has been filed in the Lancaster County District Court naming Home Real Estate, Merle Jahde, LPT, Inc., Lyle Loth, and the City of Lincoln as defendants. Litigation is **pending**.

Beri Hershberger filed a claim during the month of May, 2005, in the amount of \$7,175.35 for damages incurred as the result of a motor vehicle accident involving a Lincoln police vehicle. This claim was reviewed by this office and denial of this claim was approved by the City Council on June 6, 2005. A Complaint was filed in the Lancaster County Court on May 25, 2006. Litigation is **pending**.

Allied Insurance (Claim No. 26E60638/Julie Chilcott, Insured) filed a claim during the month of April, 2006, in the amount of \$3,192.88 for damage incurred to insured's vehicle as the result of an accident involving a StarTran bus. This claim has been reviewed by this office and denial of this claim was approved by the City Council on June 26, 2006. A suit was filed in the Lancaster County Court on August 8, 2006. Litigation is **pending**.

Shannon Johnson filed a claim during the month of September, 2005, in an unspecified amount for damages incurred as the result of an accident involving a Lincoln police vehicle. This claim was withdrawn by counsel for claimant on August 2, 2006, and suit was filed in the Lancaster County Court on August 3, 2006. Litigation is **pending**.

Bradley Sheaff and Jennifer Sheaff filed a claim during the month of July, 2005, in an unspecified amount for alleged damages incurred as the result of alleged failure to provide claimants with proper base flood elevations prior to construction of claimants' home. This claim was withdrawn on February 3, 2006, and suit has been filed in the Lancaster County District Court naming Home Real Estate, Merle Jahde, LPT, Inc., Lyle Loth, and the City of Lincoln as defendants. Litigation is **pending**.

George Bristol and Lori Bristol filed a claim during the month of July, 2005, in an unspecified amount for alleged damages incurred as the result of alleged failure to provide claimants with proper base flood elevations prior to construction of claimants' home. This claim was withdrawn on February 3, 2006, and suit has been filed in the Lancaster County District Court naming Home Real Estate, Merle Jahde, LPT, Inc., Lyle Loth, and the City of Lincoln as defendants. Litigation is **pending**.

Respectfully submitted,

James D. Faimon
Assistant City Attorney

JDF/skb
c: Risk Management