

Exhibit "A"

February 1, 2007

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

RE: Report of Claims Against the City of Lincoln for January 16 through January 31, 2007

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 January 16 through January 31, 2007. This report will describe the claims and the dispositions or status of these claims.

ALLOWED/SETTLED CLAIMS:

LaDonna Iltzsch filed a claim during the month of December, 2006, in the amount of \$3,332.30 for damage incurred to vehicle when it was struck by a vehicle operated by an individual who was fleeing from Police. This claim has been reviewed by this office and has been **settled** in the amount of \$1,900.00.

Douglas A. Reimer filed a claim during the month of January, 2007, in the amount of \$1,625.13 for damage incurred to vehicle when struck by a City snow plow. This claim has been **settled** by the Risk Management Office in the amount of \$1,150.00.

Monica Smith filed a claim during the month of January, 2007, in the amount of \$210.18 for damage incurred to vehicle when it was struck by a City snow plow. This claim has been reviewed by this office and has been **allowed** in the amount of \$210.18.

DENIED CLAIMS:

Beth Hollon filed a claim during the month of January, 2007, in an unspecified amount for injury incurred when claimant allegedly fell in a hole the right-of-way. This claim has been reviewed by this office and has been **denied**.

Ann Geary filed a claim during the month of January, 2007, in an unspecified amount alleging that she was struck by ice and snow from a snow plow as she was walking on sidewalk. This claim has been reviewed by this office and has been **denied**.

Beth Zillig (Wooster) filed a claim during the month of January, 2007, in an unspecified amount for damage allegedly incurred to sod and possibly sprinkler system as the result of snow removal activity. This claim has been reviewed by this office and has been **denied**.

Laurie Novak filed a claim during the month of January, 2007, in an unspecified amount for damage allegedly incurred to sod and sprinkler system as the result of snow removal activity. This claim has been reviewed by this office and has been **denied**.

Kenneth M. Volker filed a claim during the month of January, 2007, in the amount of \$13.12 for damage allegedly incurred to sprinkler system as the result of snow removal activity. This claim has been reviewed by this office and has been **denied**.

Beth (Marion) Griffing filed a claim during the month of January, 2007, in an unspecified amount for damage allegedly incurred to sod and sprinkler system as the result of snow removal activity. This claim has been reviewed by this office and has been **denied**.

Roger L. Pine filed a claim during the month of January, 2007, in the amount of \$87.88 for damage allegedly incurred to sod and sprinkler system as the result of snow removal activity. This claim has been reviewed by this office and has been **denied**.

Brian Lambert filed a claim during the month of January, 2007, in the amount of \$43.47 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**.

Frank Sanchez filed a claim during the month of January, 2007 in the amount of \$186.21 for damage allegedly incurred to vehicle as the result of a pothole. This claim has been reviewed by this office and has been **denied**.

Pinehurst, Inc. filed a claim during the month of January, 2007, in the amount of \$242.80 for damage allegedly incurred to sod as the result of snow removal activity. This claim has been reviewed by this office and has been **denied**.

Christine Hocij filed a claim during the month of January, 2007, in the amount of \$53.00 for reimbursement of tow fee. This claim has been reviewed by this office and has been **denied**.

Farmers Mutual of Nebraska (Claim No. P0606633/Donna West, Insured) filed a subrogation claim during the month of January, 2007, in the amount of \$4,021.46 for damage incurred to insured's door as the result of action by Fire Department personnel responding to a check welfare. This claim has been reviewed by this office and has been **denied**.

Ying Chen filed a claim during the month of January, 2007, in the amount of \$68.00 for damage allegedly incurred to sprinkler system as the result of snow removal activity. This claim has been reviewed by this office and has been **denied**.

Christina Green filed a claim during the month of January, 2007, in the amount of \$37.42 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**.

James S. Spidel filed a claim during the month of January, 2007, 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**.

Lincoln Firefighter's Reception Hall filed a claim during the month of January, 2007, 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**.

Judy Schwaller filed a claim during the month of January, 2007, 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**.

James O'Malley filed a claim during the month of January, 2007, in the amount of \$248.43 for damage allegedly incurred to tires as the result of a pothole. This claim has been reviewed by this office and has been **denied**.

Christopher L. Grady filed a claim during the month of January, 2007, in the amount of \$2,222.00 for damage allegedly incurred to vehicle when claimant drove over railroad tracks at 5th & South Streets. This claim has been reviewed by this office and has been **denied**.

LITIGATION DISPOSITION:

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 alleged that Lincoln police had been notified that Mr. Siefker was likely to be a danger to himself or others, and therefore, claimants alleged 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. Plaintiffs appealed to the Nebraska Court of Appeals. On November 14, 2006, the Court of Appeals affirmed the City's motion and dismissed Appellant's complaint with prejudice. Plaintiff filed a petition for further review which was overruled on January 5, 2007.

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**.

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**.

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 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**.

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**.

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**.

Michael Schmit and Kendra Schmit filed a claim during the month of October, 2006, in the amount of \$2,857.81 for damage incurred as the result of a sanitary sewer back-up. This claim is under review and is **pending**.

Susan Chocholousek filed a claim during the month of December, 2006, 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**.

George Veomet and Marilyn Veomett filed a claim during the month of December 2006, in the amount of \$4,497.81 for damage incurred as the result of an alleged leaking water meter. This claim is under review and is **pending**.

Rolland D. Piel Sr. filed a claim during the month of January, 2007, in the amount of \$585.91 for damage incurred to vehicle when struck by a police vehicle. This claim is under review and is **pending**.

Acuity (Claim No. LE9432/Millard Lumber, Insured) filed a subrogation claim during the month of January, 2007, in the amount of \$8,724.31 for damage incurred to insured's vehicle as the result of an accident involving a Public Works vehicle. This claim is under review and is **pending**.

Jeffrey Harris filed a claim during the month of January, 2007, in the amount of \$900,000 for injury incurred when manhole cover allegedly flipped up and struck claimant. This claim is under review and is **pending**.

Melissa Harrington filed a claim during the month of January, 2007, in an unspecified amount alleging that actions of the Lincoln Police Department have interfered with her relationship with various businesses in Lincoln causing her financial harm. This claim is under review and is **pending**.

Gary Lohse filed a claim during the month of January, 2007, in an unspecified amount for damage allegedly incurred to sod as the result of snow removal activity. This claim is under review and is **pending**.

Steve Zechmann filed a claim during the month of January, 2007 in the amount of \$500.00 for repair of sewer line allegedly damaged as the result of roots from a City tree. This claim is under review and is **pending**.

Ray Farley filed a claim during the month of January, 2007, in the amount of \$240.00 for damage allegedly incurred to mailboxes as the result of snow removal activity. This claim is under review and is **pending**.

Jennifer Deaton filed a claim during the month of January, 2007, in the amount of \$3,070.67 for damage incurred to vehicle as the result of an accident involving a Parks vehicle. This claim is under review and is **pending**.

Eric Schmidt filed a claim during the month of January, 2007, in the amount of \$416.31 for damage incurred to vehicle when struck by a StarTran bus. This claim is under review and is **pending**.

Judith Koss filed a claim during the month of January, 2007, in an unspecified amount for injury incurred when claimant allegedly fell on an icy sidewalk. This claim is under review and is **pending**.

Anisha Townsend filed a claim during the month of January, 2007, in an unspecified amount for injury and damage incurred to vehicle as the result of an accident involving a StarTran bus. This claim is under review and is **pending**.

Dorisjune Craig filed a claim during the month of January, 2007, in the amount of \$115.84 for damage allegedly incurred to mailbox as the result of snow removal activity. This claim is under review and is **pending**.

Amy R. Pigg filed a claim during the month of January, 2007, in the amount of \$76.99 for damage allegedly incurred to mailbox as the result of snow removal activity. This claim is under review and is **pending**.

Rich Pfeiffer filed a claim during the month of January, 2007, in the amount of \$60.00 for damage allegedly incurred to sprinkler system as the result of snow removal activity. This claim is under review and is **pending**.

DeLoris A. McGinnis filed a claim during the month of January, 2007, in an unspecified amount for injury incurred when claimant tripped on a metal post that was allegedly protruding into a walkway where a sidewalk was closed due to construction. This claim is under review and is **pending**.

PENDING TORT LITIGATION:

James Blake filed a claim during the month of March, 2002, in the amount of \$10,139.77 for injury incurred when claimant fell into a water meter pit. This claim was reviewed by this office and denial of this claim was approved by the City Council on April 29, 2002. A suit was filed in the Lancaster County District Court naming Kwik Shop, Inc., Lincoln Lease Partners, the City of Lincoln, and O'Hare Enterprises as Defendants. Plaintiff's counsel has withdrawn from the case and Plaintiff has until November 27, 2006, to acquire new counsel. 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 Easley 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, Bradley Sheaff and Jennifer Sheaff, George Bristol and Lori Bristol filed claims during the month of July, 2005, for alleged damages incurred as the result of alleged failure to provide claimants with proper base flood elevations prior to construction of claimants' homes. These claims were withdrawn on February 3, 2006, and claimants have filed suit 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**.

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, alleging 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 was withdrawn by

counsel for claimants on September 18, 2006, and suit was filed in the Lancaster County District Court on September 22, 2006. Litigation is **pending**.

Jeremy A. Walburn filed a claim during the month of April, 2006, in an unspecified amount for damages incurred as the result of an accident involving a street sweeper. This claim has been reviewed by this office and denial of this claim was approved by the City Council on July 17, 2006. A suit was filed in the Lancaster County Court on October 26, 2006. Litigation is **pending**.

Kevin Boyce filed a claim during the month of April, 2006, in an unspecified amount for injury incurred as the result of a fall on sidewalk. This claim has been reviewed by this office and denial of this claim was approved by the City Council on May 15, 2006. A suit was filed in the Lancaster County Court on November 9, 2006. Litigation is **pending**.

Michael Brainard filed a claim in the amount of \$300,000 for injury incurred as the result of an accident involving a StarTran bus. Denial of this claim was approved by the City Council on August 14, 2006. A suit was filed in the Lancaster County District Court on November 16, 2006. Litigation is **pending**.

Tammy J. Scholl filed a claim during the month of August, 2004, for damages incurred as the result of a motor vehicle accident involving a Lincoln police vehicle. Demand was made by claimant in the amount of \$1,000,000. Denial of this claim was approved by the City Council on July 17, 2006. A suit was filed in the Lancaster County District Court on November 15, 2006. Litigation is **pending**.

Respectfully submitted,

James D. Faimon
Assistant City Attorney

JDF/skb
c: Risk Management