

Exhibit "A"

September 17, 2012

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

RE: Report of Claims Against the City of Lincoln for September 1 through September 15, 2012

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 September 1 through September 15, 2012. This report will describe the claims and the dispositions or status of these claims.

DENIED CLAIMS:

Vernetta Gale, individually and on behalf of Ariel Gale filed a claim during the month of September, 2012, in the amount of \$25,000 for alleged injury incurred as the result of an accident that occurred while Ariel Gale was a passenger on a StarTran bus. This claim has been reviewed by this office and has been **denied**.

Ariel Gale, individually and on behalf of Tr'nija Haynes filed a claim during the month of September, 2012, in the amount of \$25,000 for alleged injury incurred as the result of an accident that occurred while Tr'nija Haynes was a passenger on a StarTran bus. This claim has been reviewed by this office and has been **denied**.

American Family Insurance, as subrogee of Insureds, Tad and Amy Hunt filed a subrogation claim during the month of September, 2012, in the amount of \$2,108.50 for damage incurred to Insured's vehicle when Insured drove her vehicle into an excavated hole in the street. This claim has been reviewed by this office and has been **denied**.

ALLOWED/SETTLED CLAIMS:

Nebraskaland Transportation Service filed a claim during the month of August, 2012, in the amount of \$934.00 for damage incurred to tires at street construction site. This claim has been reviewed by this office and has been **allowed** in the amount of \$934.00.

Joseph Houdek filed a claim during the month of August, 2012, in an unspecified amount for damage incurred to vehicle as the result of an accident involving a Public Works vehicle. **Farm Bureau Financial Services, as subrogee of Insured, Joseph Houdek** filed a subrogation claim in the amount of \$9,409.26 for repair of Insured's vehicle. This claim has been **settled** by the Risk Management Office in the amount of \$9,409.26.

BG Nebraska filed a claim during the month of September, 2012, in the amount of \$2,313.14 for damage incurred to vehicle as the result of an accident involving an Animal Control vehicle. This claim has been **settled** by the Risk Management Office in the amount of \$2,313.14.

PENDING CLAIMS:

Brent Braun filed a claim during the month of October, 2010, in the amount of \$577.50 for damage allegedly incurred to sewer line as the result of water main construction. This claim is under review and is **pending**.

Willa D. Smith filed a claim during the month of December, 2010, in an unspecified amount for injury incurred when claimant allegedly tripped on sidewalk at Walt Library. This claim is under review and is **pending**.

Marlin Lockhart filed a claim during the month of December, 2010, in the amount of \$354.14 for damage incurred to vehicle in parking lot at Walt Library when a handicapped parking sign allegedly blew over and struck claimant's vehicle. This claim is under review and is **pending**.

Perry Vale filed a claim during the month of January, 2011, in the amount of \$1,200.00 for damage allegedly incurred to his wheelchair while claimant was a passenger on a StarTran van. This claim is under review and is **pending**.

Midwest Refuse filed a claim during the month of February, 2011, in the amount of \$3,260.04 for damage allegedly incurred to truck equipment at the City Landfill. This claim is under review and is **pending**.

Karen Davis filed a claim during the month of February, 2011, in the amount of \$2,895.52 for damage allegedly incurred to vehicle when it struck a cement pillar in the parking lot at the Walt Library. This claim is under review and is **pending**.

Cleaver-Brooks, Inc. filed a claim during the month of March, 2011, in the amount of \$20,880.00 for damage allegedly incurred to parking lot as the result of a water main break. This claim is under review and is **pending**.

Kevin L. Walker filed a claim during the month of May, 2011, in an unspecified amount for vehicle sold at auction. Claimant alleges he was not properly notified of the release of the vehicle from Police Property prior to the auction. This claim is under review and is **pending**.

Lincoln Children's Museum filed a claim during the month of July, 2011, in the amount of \$1,859.00 for water damage incurred to walls as the result of a hole that was allegedly created by L.E.S. personnel, which caused rain water to enter building. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

Linda Weddington filed a claim during the month of July, 2011, in an unspecified amount for alleged injury incurred as the result of fall on sidewalk. This claim is under review and is **pending**.

Debra Sue Galindo filed a claim during the month of October, 2011, in the amount of \$42,500 for alleged injury incurred when claimant fell on the lawn of Pershing Auditorium. This claim is under review and is **pending**.

Fred and Katharine Luthans filed a claim during the month of November, 2011, in the amount of \$400.00 for alleged damage incurred to brick mailbox as the result of a water main break. This claim is under review and is **pending**.

Manh Van Tran filed a claim during the month of November, 2011, in the amount of \$6,252.00 for alleged damages incurred as the result of a sanitary sewer back-up. This claim is under review and is **pending**.

Don and Shirley Kringel filed a claim during the month of December, 2011, in an unspecified amount for damages incurred as the result of a sanitary sewer back-up. This claim is under review and is **pending**.

Southern Finance, Inc. filed a claim during the month of February, 2012, in an unspecified amount for proceeds from sale of vehicle at police auction. This claim is under review and is **pending**.

Farmers Insurance Group, as subrogee of Insured, Janette Kropatsch filed a subrogation claim during the month of February, 2012, in an unspecified amount for damage incurred to insured's vehicle as a result of an accident involving a City snowplow. **Jana Kropatsch** who was a passenger in the vehicle driven by Janette Kropatsch filed a claim in an unspecified amount for injury incurred as a result of the accident. These claims are under review and are **pending**.

Shay and Angela Campbell filed a claim during the month of March, 2012, in the amount of \$2,313.00 for damage incurred to property as the result of a fire that was allegedly caused by a malfunctioning L.E.S. electrical transformer box. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

Michael Stoynev filed a claim during the month of March, 2012, in an unspecified amount for damage incurred to mailbox when it was struck by a StarTran bus. This claim is under review and is **pending**.

Jon Novak filed a claim during the month of March, 2012, in an unspecified amount for damage incurred to vehicle when the top half of a wooden street light pole snapped in half and fell into the roadway in front of vehicle causing driver to swerve to the right and strike the bottom half of the light pole that was remaining in the ground. **Pharmacists Mutual Insurance Company, as subrogee of Insured, Jon Novak** filed a subrogation claim in the amount of \$17,816.27 for repair of Insured's vehicle. This claim is under review and is **pending**.

Elva Lange filed a claim during the month of March, 2012, in an unspecified 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**.

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 is under review and is **pending**.

Armond Schommer filed a claim during the month of March, 2012, in the amount of \$10,000 for injury incurred when claimant was bitten by a police dog while tracking a suspect that was fleeing from police. This claim is under review and is **pending**.

John and Paula M. Sharkey filed a claim during the month of March, 2012, in the amount of \$1,000,000 for injury incurred as the result of an accident involving a StarTran bus. This claim is under review and is **pending**.

Tracy Contreras filed a claim during the month of March, 2012, in the amount of \$1,000,000 for alleged injury incurred when claimant fell on a StarTran bus. This claim is under review and is **pending**.

Bradley and Cathy Graham filed a claim during the month of April, 2012, in the amount of \$979.40 for damage incurred to sewer line by an LES subcontractor. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

Donald Stockley filed a claim during the month of May, 2012, in the amount of \$1,000,000 for alleged injury incurred as the result of a motor vehicle accident involving a Public Works vehicle. This claim is under review and is **pending**.

Matthew Howe filed a claim during the month of May, 2012, in the amount of \$1,000,000 for injury incurred as the result of a motor vehicle accident involving a Public Works vehicle. 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**.

Rebekah Clark filed a claim during the month of May, 2012, 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**.

Retzlaff Farms, Inc. filed a claim during the month of May, 2012, in the amount of \$497.55 for alleged damage to irrigation pipe by L.E.S. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

Helmsman Management Services Inc. (Third-Party Administrator for United Parcel Service) filed a claim during the month of May, 2012, in the amount of \$7,124.02 for damage incurred to UPS truck as the result of an accident involving a StarTran bus. This claim is under review and is **pending**.

North Creek Villas Townhouse Association filed a claim during the month of May, 2012, in the amount of \$185.78 for damage allegedly incurred to sprinkler system during installation of street light. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

Cynthia Gustafson 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**.

FARA Insurance Services, workers compensation administrator for the State of Nebraska, filed a subrogation claim during the month of May, 2012, for benefits paid on behalf of Jacelyn Sharp for injury incurred as the result of fall on sidewalk. This claim is under review and is **pending**.

Jacqueline Robertson filed a claim during the month of June, 2012, in an unspecified amount for alleged injury incurred when claimant was struck by a City vehicle while operating a motorized scooter in a crosswalk. This claim is under review and is **pending**.

Racheal Montgomery filed a claim during the month of June, 2012, in an unspecified amount for alleged injury incurred when claimant was a passenger on a motorized scooter that was operated by her mother, Jacqueline Robertson, when it was struck by a City vehicle in a crosswalk. This claim is under review and is **pending**.

Darin Beckley filed a claim during the month of June, 2012, in an unspecified amount for alleged injury incurred while claimant was a passenger on a StarTran bus that was involved in an accident. This claim is under review and is **pending**.

Michael Hurley filed a claim during the month of June, 2012, in the amount of \$872.26 for damage incurred to vehicle when L.E.S. personnel was removing a tree branch from a power line and the branch fell on claimant's vehicle. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

David and Kristin Kwan filed a claim during the month of June, 2012, in the amount of \$292.83 for damage allegedly incurred to vehicle by L.E.S. equipment. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

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**.

John Mejia filed a claim during the month of July, 2012, in the amount of \$1,389.59 for damage allegedly incurred to vehicle when L.E.S. was working on a transformer near claimant's parked vehicle. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

Praxis Consulting on behalf of Homesite Group as subrogee of Patrick Campbell filed a subrogation claim during the month of July, 2012, for damage incurred to insured's property as the result of an electrical box fire. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

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. This claim is under review and is **pending**.

Nicole Gandara filed a claim during the month of July, 2012, in an unspecified amount for damages incurred as the result of a water main break. This claim is under review and is **pending**.

Geico Direct, as subrogee of Insured, Lori Jackson filed a subrogation claim during the month of July, 2012, in the amount of \$7,233.06 for damage incurred to Insured's vehicle when L.E.S. was trimming trees near utility lines and branch fell on vehicle. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

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**.

Susan Staab filed a claim during the month of July, 2012, in the amount of \$103.00 for reimbursement of tow fee. This claim is under review and is **pending**.

Gale and Bernice Sup filed a claim during the month of July, 2012, in the amount of \$198,000 for alleged damages incurred as the result of a water main break. This claim is under review and is **pending**.

The Hitchin' Post of Lincoln, Inc. filed a claim during the month of July, 2012, in the amount of \$317,943.51 for alleged damages incurred as the result of a water main break. This claim is under review and is **pending**.

Todd Burklund filed a claim during the month of July, 2012, in the amount of \$774.00 for damages incurred to property due to downed power lines. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

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**.

Caroline Reinsch on behalf of Sara Reinsch filed a claim during the month of August, 2012, in an unspecified amount for injury incurred to Sara Reinsch when she allegedly burned her hands and feet on an exposed metal lid at StarCity Shores. This claim is under review and is **pending**.

The Hartford Insurance Group, as subrogee of Insureds, Francis and LeaAnn Pytlik filed a subrogation claim during the month of August, 2012, in the amount of \$1,588.42 for damage incurred to Insured's vehicle when it was allegedly struck by a gate at a City parking garage. This claim is under review and is **pending**.

Marilyn Ward filed a claim during the month of August, 2012, in an unspecified amount for injury incurred when claimant fell at the Northeast Senior Center. This claim is under review and is **pending**.

Crete Carrier Corp. filed a claim during the month of August, 2012, in the amount of \$3,335.00 for damage allegedly incurred to storm sewer when conduits were buried by L.E.S. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

Latitude Subrogation Services, as subrogee of Insured, Eaststeps Wheels filed a subrogation claim during the month of August, 2012, in the amount of \$12,688.34 for damages incurred to Insured's property as the result of a water main break. This claim is under review and is **pending**.

State Farm Insurance, as subrogee of Insured, Robert and Eileen Perkins filed a subrogation claim during the month of August, 2012, in an unspecified amount for damage incurred to Insured's vehicle when it was struck by a Public Works vehicle. This claim is under review and is **pending**.

NEW CLAIMS FILED SEPTEMBER 1 THROUGH SEPTEMBER 15, 2012:

Continental Western Group, as subrogee of Insured, BGNE, Inc. filed a subrogation claim for worker's compensation benefits paid on behalf of Insured's employee, Travis Birkett, who was allegedly injured as the result of a motor vehicle accident involving an Animal Control vehicle. This claim is under review and is **pending**.

Marcella Barber filed a claim in the amount of \$6,377.56 for damage incurred to vehicle as the result of accident involving a StarTran bus. This claim is under review and is **pending**.

Robert Beard filed a claim in the amount of \$503.72 for increase in water bill due to new sod that was needed after L.E.S. installed new underground electrical on claimant's property. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

Stanley Oswald filed a claim in the amount of \$11,581.76 for damages incurred as the result of a sanitary sewer back-up. This claim is under review and is **pending**.

Robert and Judy Miller filed a claim in the amount of \$400 for reimbursement of costs incurred for repair of water service which was allegedly damaged during installation of water main. This claim is under review and is **pending**.

Kennard Pischal filed a claim in an unspecified amount for injury allegedly incurred as the result of fall on sidewalk. This claim is under review and is **pending**.

Doug Kruce filed a claim in the amount of \$750.00 for damage allegedly incurred to electronic equipment as the result of a power outage. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

Susann Andrews filed a claim in the amount of \$142.94 for medical expense incurred as the result of injury to minor daughter when she fell in a hole at Piedmont Park. This claim is under review and is **pending**.

PENDING TORT LITIGATION:

Lycebeth Loy filed a claim during the month of March, 2010, in the amount of \$1,000,000 for injury incurred when claimant was a passenger on a motorcycle that was involved in an accident. Claimant alleges that the accident occurred due to inadequate signage/markings and lighting at SW 4th and W. Amaranth. This claim was reviewed by this office and denial was approved by the City Council on June 7, 2010. Counsel for claimant filed suit in the Lancaster County District Court on July 27, 2010. Litigation is **pending**.

Debra Daharsh, as parent and next friend of Garrett A. Daharsh filed a claim in April, 2010, in the amount of \$270,224.09 for injury incurred to Garrett Deharsh on June 11, 2009, when he fell off of a merry-go-round at Irvingdale Park while attending a Parks and Recreation day camp at the Irvingdale Recreation Center. This claim was reviewed by this office and denial was approved by the Lincoln City Council on August 16, 2010. Counsel for claimant filed suit in the Lancaster County District Court on November 22, 2010. Litigation is **pending**.

Dennis and Benita Cooper filed a claim in February, 2010, in the amount of \$35,155.62 for damages incurred as the result of a sanitary sewer back-up. This claim was reviewed by this office and denial was approved by the Lincoln City Council on June 28, 2010. Counsel for claimant filed suit in the Lancaster County Court on January 31, 2011. Litigation is **pending**.

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 by counsel for claimant and suit was filed in the Lancaster County District Court on April 22, 2011. Litigation is **pending**.

Amanda Wagner and Shane Alley filed a claim during the month of September, 2010, in the amount of \$351,000 for damages allegedly incurred as the result of a water main break. This claim was withdrawn by counsel for claimants and suit was filed in the Lancaster County District Court on June 13, 2011. Litigation is **pending**.

Patrick Ronald Russell, as next of kin of Earl Cecil Russell filed a claim during the month of April, 2009, in the amount of \$5,025,000.00 alleging the wrongful death of his brother by Lincoln Police. Suit was filed in the Lancaster County District Court on February 23, 2012. Litigation is **pending**.

Gordon Kyhn filed a claim during the month of May, 2011, in the amount of \$1,000,000 for alleged injury incurred as the result of a trip and fall on sidewalk near Pershing Auditorium. This claim was withdrawn and suit was filed in the Lancaster County District Court on May 1, 2012. Litigation is **pending**.

Douglas Chones filed a claim and **Allstate Insurance Company** filed a subrogation claim in the amount of \$4,933.41 for damage incurred to vehicle as the result of a motor vehicle accident involving a City vehicle. Claims were reviewed by this office and denials were approved by the Lincoln City Council. Suit has been filed in the Lancaster County Court. Litigation is **pending**.

Submitted by City Law Department
c: Risk Management