

## Exhibit "A"

November 15, 2012

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

RE: Report of Claims Against the City of Lincoln for November 1 through November 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 November 1 through November 15, 2012. This report will describe the claims and the dispositions or status of these claims.

### **DENIED CLAIMS:**

None.

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

**Marcella Barber** filed a claim during the month of September, 2012, in the amount of \$6,377.56 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 \$2,250.00.

**Farmers Mutual of Nebraska as subrogee of Insureds, Christopher and Michelle Dimmitt** filed a claim during the month of October, 2012, in the amount of \$3,368.88 for damage incurred to Insureds' residence as the result of a sewer back-up. This claim has been reviewed by this office and has been **allowed** in the amount of \$3,368.88.

**Stuart Hall** filed a claim during the month of October, 2012, in the amount of \$2,928.44 for damage incurred to vehicle as the result of an accident involving a Fire vehicle. This claim has been **settled** by the Risk Management Office in the amount of \$2,303.44.

**Clorissa Lee** filed a claim during the month of November, 2012, in the amount of \$825.24 for damage incurred to vehicle when struck by a Public Works grader. This claim has been **settled** by the Risk Management Office in the amount of \$825.24.

### **PENDING CLAIMS:**

**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**.

**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 alleged 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**.

**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 allegedly 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 alleged 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.

**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.

**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 allegedly 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, in the amount of \$2,913.37 for damage allegedly 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**.

**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 allegedly 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**.

**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 allegedly 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**.

**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 alleged 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.

**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**.

**Continental Western Group, as subrogee of Insured, BGNE, Inc.** filed a subrogation claim during the month of September, 2012, 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**.

**Robert Beard** filed a claim during the month of September, 2012, in the amount of \$503.72 for alleged 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.

**Robert and Judy Miller** filed a claim during the month of September, 2012, 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**.

**Doug Kruce** filed a claim during the month of September, 2012, 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.

**Anthony Heidtbrink** filed a claim during the month of September, 2012, in an unspecified amount for expense incurred for repair of water service which claimant alleges was damaged by a Lincoln Water System employee. This claim is under review and is **pending**.

**Garrett J. Sund** filed a claim during the month of September, 2012, in the amount of \$400 for damage allegedly incurred to motorcycle helmet as the result of actions of a Lincoln police officer. This claim is under review and is **pending**.

**BryanLGH Medical Center** filed a claim during the month of October, 2012, in the amount of \$97,074.28 for medical services provided to Carley Scheffert who was allegedly pursued by and in the custody of Lincoln Police when she was involved in a motor vehicle accident. This claim is under review and is **pending**.

**Carol Bom** filed a claim during the month of October, 2012, in the amount of \$838.57 for alleged injury incurred as the result of fall on sidewalk. This claim is under review and is **pending**.

**Bobby Lybarger** filed a claim during the month of October, 2012, in the amount of \$1,160.39 for repair of street paint on vehicle. This claim is under review and is **pending**.

**Adela Chavira** filed a claim during the month of October, 2012, in the amount of \$200.00 for medical expenses allegedly incurred as the result of fall on StarTran bus. This claim is under review and is **pending**.

**Wayne DeLong** filed a claim during the month of October, 2012, in the amount of \$704.50 for repair of lawn and sprinklers allegedly damaged during curb/sidewalk construction. This claim is under review and is **pending**.

**Domaneak Muhammad** filed a claim during the month of October, 2012, in an unspecified amount for injury incurred when claimant allegedly had an accident while riding his bicycle on the sidewalk near a construction site at 17th & Q. This claim is under review and is **pending**.

**Clinton Brooks** filed a claim during the month of October, 2012, in the amount of \$100,000 on behalf of his minor children, Clinton Brooks III and Clayton Brooks, for alleged false arrest. This claim is under review and is **pending**.

**State Farm Insurance as subrogee of Insured, David Tarrence** filed a claim during the month of October, 2012, in the amount of \$17,615.65 for damage incurred to Insured's truck when it collided with an alleged low hanging tree limb. This claim is under review and is **pending**.

**Troy Carlson** filed a claim during the month of October, 2012, in the amount of \$503.10 for damage allegedly incurred to windshield when struck by debris at a street construction site. This claim is under review and is **pending**.

**Ben and Leigh Lewis on behalf of their minor child Nathan Lewis** filed a claim during the month of October, 2012, in the amount of \$220,000 for injury incurred to Nathan Lewis when he was riding his bicycle on railroad bridge at Wilderness Park and the wheel of his bicycle allegedly got caught between two railroad ties causing him to fall. This claim is under review and is **pending**.

#### **NEW CLAIMS FILED NOVEMBER 1 THROUGH NOVEMBER 15, 2012:**

**Donald and Wanda Jones** filed a claim in the amount of \$1,822.71 for damages incurred as the result of a sewer back-up. This claim is under review and is **pending**.

**Dawn Amory** filed a claim in the amount of \$250,000 for alleged injury incurred as the result of trip and fall on sidewalk. This claim is under review and is **pending**.

**Cynthia Gustafson** filed a claim in the amount of \$17,000 for alleged injury incurred while claimant was a passenger on a StarTran bus. This claim is under review and is **pending**.

**Miguel Franco** filed a claim in the amount of \$3,523.17 for damage incurred to vehicle as the result of a fallen tree branch. This claim is under review and is **pending**.

**Ketan Patel** filed a claim in an unspecified amount for damage incurred to property as the result of action by Lincoln police during the execution of a warrant. This claim is under review and is **pending**.

**Cynthia Bartlett** filed a claim in the amount of \$21,515.64 for damages incurred as the result of a sanitary sewer back-up. This claim is under review and is **pending**.

**Troy Sorenson** filed a claim in the amount of \$9,380.02 for damage incurred as the result of a sewer back-up. This claim is under review and is **pending**.

**Lisa Peterson** filed a claim in the amount of \$321.57 for damage allegedly incurred to mower when it struck a water utility cap. 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. Suit was filed 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. Suit was filed 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. Suit was filed 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 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 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**.

**Krystle Park** filed a claim during the month of April, 2012, in the amount of \$1,000,000 for injury incurred when claimant was bitten by a police dog. This claim was reviewed by this office and denial was approved by the Lincoln City Council on August 13, 2012. Suit was filed in the Lancaster County District Court on August 31, 2012. Litigation 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 was withdrawn and suit was filed in the Lancaster County District Court on September 25, 2012. Litigation 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 was withdrawn and suit was filed in the United States District Court on November 8, 2012. Litigation is **pending**.

Submitted by City Law Department  
c: Risk Management