

Exhibit "A"

March 17, 2014

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

RE: Report of Claims Against the City of Lincoln for March 1 through March 15, 2014

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 March 1 through March 15, 2014. This report will describe the claims and the dispositions or status of these claims.

DENIED CLAIMS:

FARA Insurance Services, Third Party Administrator for State of Nebraska/State Fire Marshal filed a subrogation claim during the month of October, 2013, in the amount of \$582.22 for workers compensation benefits paid on behalf of Kaylan Lovgren who was allegedly injured when she tripped and fell on sidewalk. This claim has been reviewed by this office and has been **denied**.

Brian Bennetzen filed a claim during the month of February, 2014, in the amount of \$16,051.22 for damages incurred as the result of sewer back-up. This claim has been reviewed by this office and has been **denied**.

Geneva Sickler filed a claim during the month of February, 2014, in the amount of \$1,054.98 for injury sustained when claimant allegedly tripped on a metal object protruding from sidewalk. This claim has been reviewed by this office and has been **denied**.

Daphne McWilliams filed a claim during the month of February, 2014, in the amount of \$194.12 for damage incurred to windshield of vehicle when allegedly struck by sand from truck spreading sand on street. This claim has been reviewed by this office and has been **denied**.

Alan and Marjorie Ross filed a claim during the month of March, 2014, in an unspecified amount for damages incurred as the result of sewer back-up. **Farmers Insurance as subrogee of Marjorie and Allan Ross** filed a subrogation claim in the amount of \$5,000.00 for reimbursement of payment for damages incurred as a result of the sewer back-up at insured's home. These claims have been reviewed by this office and have been **denied**.

Farmers Mutual of Nebraska as subrogee of Mark and Tanner Nelson filed a claim during the month of March, 2014, in an unspecified amount for damage incurred to insured's vehicle as the result of accident involving a fire truck. This claim has been reviewed by this office and has been **denied**.

Michelle Ashley filed a claim during the month of March, 2014, in the amount of \$130.00 for damage allegedly incurred to sprinkler system as the result of water main repair activity. This claim has been reviewed by this office and has been **denied**.

Nancy Bundy filed a claim during the month of March, 2014, in the amount of \$140.00 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**.

FARA Insurance Services, Third Party Administrator for State of Nebraska/Department of Health and Human Services filed a subrogation claim during the month of March, 2014, in an unspecified amount for workers compensation benefits paid on behalf of Paula K. Dormer who was allegedly injured when she fell on a snowy street. This claim has been reviewed by this office and has been **denied**.

ALLOWED/SETTLED CLAIMS:

State Farm Insurance as subrogee of Lois J. Irons filed a claim during the month of October, 2013, in the amount of \$3,261.27 for damage incurred to insured's vehicle and medical benefits paid as the result of an accident involving a fire truck. This claim has been reviewed by this office and has been **allowed** in the amount of \$3,261.27.

Aleesha Kermmoade filed a claim during the month of January, 2014, the amount of \$6,952.00 for damages incurred as the result of water main break. This claim has been reviewed by this office and has been **settled** in the amount of \$4,100.00.

Alvina Ryder filed a claim during the month of January, 2014, in the amount of \$24,673.71 for damage incurred as the result of water main break. This claim has been reviewed by this office and has been **settled** in the amount of 21,569.01.

Southern Heights Presbyterian Church filed a claim during the month of January, 2014, in the amount of \$816.88 for alleged damage incurred as the result of water main break. This claim has been reviewed by this office and has been **settled** in the amount of \$664.51.

Chantell Eaves filed a claim during the month of February, 2014, in the amount of \$957.64 for damage incurred to vehicle as the result of accident involving an L.E.S. vehicle. This claim has been **settled** by the Risk Management Office in the amount of \$957.64.

PENDING CLAIMS:

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**.

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**.

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**.

Cynthia Gustafson filed a claim during the month of November, 2012, 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**.

State Farm Insurance as subrogee of Floyd Brown filed a subrogation claim during the month of February, 2013, in an unspecified amount for medical benefits paid as the result of an accident involving a StarTran bus. This claim is under review and is **pending**.

Blanca Rincon-Flores filed a claim during the month of March, 2013, in an unspecified amount for damages allegedly incurred as the result of accident involving a snowplow. This claim is under review and is **pending**.

Robert T. Murray filed a claim during the month of April, 2013, in an unspecified amount for alleged damage incurred to sod/groundcover by L.E.S. equipment. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

Dixie Koch filed a claim during the month of April, 2013, in an unspecified amount for injury allegedly incurred when she tripped on a sign that was lying on sidewalk. This claim is under review and is **pending**.

Leslie Barry filed a claim during the month of April, 2013, in the amount of \$200,000 for alleged damages incurred as the result of claimant's arrest. This claim is under review and is **pending**.

Titus DeBoer filed a claim during the month of April, 2013, in an unspecified amount for damage allegedly incurred to tire as the result of a pothole. This claim is under review and is **pending**.

Dean and Lynda O'Connell filed a claim during the month of May, 2013, in the amount of \$513.60 for damage allegedly incurred to sod and sprinkler by City Water personnel. This claim is under review and is **pending**.

Carla Brassell filed a claim during the month of July, 2013, in the amount of \$25,000 for injury allegedly incurred when claimant fell on ice outside the Lincoln Children's Museum. This claim is under review and is **pending**.

Jeffrey L. Kirkland filed a claim during the month of July, 2013, in the amount of \$1,966.21 for medical billings incurred when claimant was taken to hospital by Lincoln police. This claim is under review and is **pending**.

Phoenix Loss Control on behalf of Time Warner filed a claim during the month of October, 2013, in the amount of \$1,743.27 for damage allegedly incurred to underground cable. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

Larry Day filed a claim during the month of November, 2013, in an unspecified amount for damage incurred to a tree during installation of underground electrical utility. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

Travis Hoveling filed a claim during the month of November, 2013, in an unspecified amount for damages incurred as the result of an accident that occurred in the roundabout at 14th and Superior. Claimant alleges that the accident was proximately caused by the negligent development, construction, improvements, regulations and operation of the roundabout by the City. This claim is under review and is **pending**.

Anthony Baumert and Angela Boule filed a claim during the month of December, 2013, in the amount of \$1,580.00 for damage allegedly incurred to sewer pipe as the result of trenching by L.E.S. personnel. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

Shawnadee and Mark Morris filed a claim during the month of January, 2014, in an unspecified amount for damages incurred as the result of a water main break. This claim is under review and is **pending**.

Justin Huebert filed a claim during the month of January, 2014, in an unspecified amount for damages incurred as the result of a water main break. This claim is under review and is **pending**.

Black Hills Energy filed a claim during the month of January, 2014, in the amount of \$292.58 for damage incurred to gas line during excavation by L.E.S. at 8801 South 33rd Street. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

Jordan Kaiser filed a claim during the month of January, 2014, in an unspecified amount for damage incurred as the result of a water main break. This claim is under review and is **pending**.

Doralu Streeter filed a claim during the month of January, 2014, in an unspecified amount for injury allegedly incurred when claimant fell on the 10th Street pedestrian overpass. This claim is under review and is **pending**.

Kimberly Newman filed a claim during the month of January, 2014, in the amount of \$16,994.47 for damage incurred as the result of a water main break. **Nationwide Insurance Co.**, Kimberly Newman's insurer, filed a subrogation claim in the amount of \$5,000 for payment made to its insured as a result of the water main break. These claims are under review and are **pending**.

Miller-Long V.F.W. Post 3606 filed a claim during the month of February, 2014, in the amount of \$2,112.09 for damage allegedly incurred to electrical equipment due to power surges. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

Phoenix Loss Control on behalf of Time Warner Cable filed a claim during the month of February, 2014, in the amount of \$438.75 for damage allegedly incurred to cable during trenching. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

Jerry Spale filed a claim during the month of February, 2014, in the amount of \$21,500 for alleged injury incurred when claimant was a passenger on a StarTran bus that was involved in a motor vehicle accident. This claim is under review and is **pending**.

Del Lienemann Sr. filed a claim during the month of February, 2014, in the amount of \$357.00 for damage allegedly incurred to fence during construction at Sunburst Park. This claim is under review and is **pending**.

Jeffrey and April Morrison filed a claim during the month of February, 2014, in the amount of \$7,259.00 for damage incurred as the result of water main break. This claim is under review and is **pending**.

Alison Wick filed a claim during the month of February, 2014, in the amount of \$550.00 for damage incurred to mailbox when it was struck by a StarTran bus. This claim is under review and is **pending**.

Rebecca Lile and Brad Rodaway filed a claim during the month of February, 2014, in the amount of \$6,741.00 for damages incurred as the result of water main break. This claim is under review and is **pending**.

Robert Royster Jr. filed a claim during the month of February, 2014, in the amount of \$3,238.63 for damage incurred to vehicle as the result of accident involving a City snowplow. This claim is under review and is **pending**.

Phoenix Loss Control on behalf of Time Warner Cable filed a claim during the month of February, 2014, in the amount of \$3,384.08 for damage allegedly incurred to cable during installation of street lights by L.E.S. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

Kyle Fischer filed a claim during the month of February, 2014, in the amount of \$234.89 for repair of electrical power allegedly incurred as the result of L.E.S. equipment failure. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

NEW CLAIMS FILED MARCH 1 THROUGH MARCH 15, 2014:

Manzitto Bros. filed a claim in the amount of \$1,600.00 for repair of stop box that was allegedly damaged during trenching. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

Shayla Funk filed a claim in the amount of \$1,200,000 alleging she was falsely arrested by Lincoln police. This claim is under review and is **pending**.

Kelly and Thomas Michener filed a claim in the amount of \$1,350.45 for damage allegedly incurred to vehicle as the result of striking a "raised" manhole in the street. This claim is under review and is **pending**.

Natalie Faden filed a claim in the amount of \$2,117.87 for damage incurred to vehicle when it was struck by a City snowplow. This claim is under review and is **pending**.

Daniel Bousek filed a claim in the amount of \$50.00 for bicycle sold at police auction. This claim is under review and is **pending**.

PENDING TORT LITIGATION:

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. Litigation is **pending**.

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 was filed in the Lancaster County Court. 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. This claim was withdrawn and suit was filed in the Lancaster County District Court. The case has been transferred to the U.S. District Court. Litigation is **pending**.

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. Suit was filed in the Lancaster County District Court. Litigation is **pending**.

Leroy Duffie filed a claim during the month of August, 2012, in the amount of \$200,000 alleging that he was injured during an incident involving Lincoln police. This claim was withdrawn and suit was filed in Lancaster County District Court. The case has been transferred to the U.S. District Court. Litigation is **pending**.

Ben and Leigh Lewis on behalf of Nathan Lewis filed a claim during the month of October, 2012, in the amount of \$220,000 for injury incurred when Nathan Lewis was riding his bicycle on railroad bridge at Wilderness Park and the wheel of his bicycle got caught between two railroad ties causing him to fall. This claim was reviewed by this office and denial was approved by the Lincoln City Council on February 25, 2013. Suit was filed in the Lancaster County District Court. Litigation 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 was reviewed by this office and denial was approved by the Lincoln City Council on February 25, 2013. Suit was filed in the Lancaster County District Court. Litigation is **pending**.

Dawn Amory filed a claim during the month of November, 2012, in the amount of \$250,000 for alleged injury incurred as the result of trip and fall on sidewalk. This claim was reviewed by this office and denial was approved by the Lincoln City Council on December 17, 2012. Suit was filed in the Lancaster County District Court. Litigation is **pending**.

Michael Lecher filed a claim during the month of December, 2012, in the amount of \$250,000 alleging that Lincoln police officers used excessive force when arresting him. This claim was reviewed by this office and denial was approved by the Lincoln City Council on March 25, 2013. Suit was filed in Lancaster County District Court. Litigation is **pending**.

Nationwide Insurance Co. as subrogee of Insured, James and Marti Harris filed a claim during the month of April, 2013, in the amount of \$9,799.42 for damage incurred to Insured's vehicle as the result of accident involving a police vehicle. This claim was reviewed by this office and denial was approved by the Lincoln City Council on June 17, 2013. Suit was filed in Lancaster County Court. Litigation is **pending**.

Nicole Ulm filed a claim during the month of April, 2013, in the amount of \$200,000 for alleged damages incurred as the result of an accident involving a vehicle that was being operated by an individual who was fleeing from Police. This claim was withdrawn and suit was filed in the Lancaster County District Court. Litigation is **pending**.

Matthew Thomas filed a claim during the month of March, 2013, in an unspecified amount for damages incurred as the result of accident involving a Public Works vehicle. Suit was filed in the Lancaster County District Court. Litigation is **pending**.

Stephanie Bussinger filed a claim during the month of March, 2013, in an unspecified amount for alleged injury incurred as the result of accident involving a Public Works vehicle. Suit was filed in the Lancaster County District Court. Litigation is **pending**.

Submitted by City Law Department
c: Risk Management