

**Exhibit "A"**

November 2, 2015

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

RE: Report of Claims Against the City of Lincoln for October 16 through October 31, 2015

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 October 16 through October 31, 2015. This report will describe the claims and the dispositions or status of these claims.

**DENIED CLAIMS:**

**Barrymore's** filed a claim during the month of August, 2015, in the amount of \$2,610.42 for damage incurred as the result of sewer backup. This claim has been reviewed by this office and has been **denied**.

**Gary and Marlene Beyke** filed a claim during the month of August, 2015, in the amount of \$347.75 for expense incurred as the result of sewer back-up. This claim has been reviewed by this office and has been **denied**.

**William Parminter** filed a claim during the month of October, 2015, in the amount of \$199.00 for proceeds from the sale of vehicle that was sold at police auction in April of 2011. This claim has been reviewed by this office and has been **denied**.

**Candace Hanes** filed a claim during the month of October, 2015, in the amount of \$2,314.67 for damage incurred to vehicle when claimant's vehicle was parked on the street during sidewalk repair work by the City which prohibited claimant from using her driveway. This claim has been reviewed by this office and has been **denied**.

**ALLOWED/SETTLED CLAIMS:**

**Dan Kessler** filed a claim during the month of June, 2015, in an unspecified amount for damage incurred as the result of sewer back-up on May 12, 2015. This claim has been reviewed by this office and has been **settled** by this office in the amount of \$3,000.00.

**Kathy Mummert** filed a claim during the month of August, 2015, in the amount of \$8,429.76 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 \$8,000.00.

**Melody Kuwamoto** filed a claim during the month of August, 2015, in the amount of \$729.05 for damage incurred to vehicle when it was struck by a StarTran bus. This claim has been reviewed by this office and has been **allowed** in the amount of \$729.05.

**Larry and Caroline Routh** filed a claim during the month of September, 2015, in the amount of \$730.00 for damage incurred to fence as the result of a fallen tree limb. This claim has been reviewed by this office and has been **allowed** in the amount of \$730.00 .

**Benjamin Nguyen** filed a claim during the month of September, 2015, in the amount of \$1,687.47 for damage incurred to vehicle as the result of accident involving an Animal Control vehicle. This claim has been **settled** by the Risk Management Office in the amount of \$1,687.47.

**Torrie Irene** filed a claim during the month of October, 2015, for damage incurred to vehicle when it was struck by a City Parks vehicle. This claim has been **settled** by the Risk Management Office in the amount of \$3,582.21.

**John and Cheryl Marshall (Marshall Apartments)** filed a claim during the month of October, 2015, in the amount of \$1,277.00 for damage incurred to rental property during execution of a “no knock” search warrant by Lincoln police. This claim has been reviewed by this office and has been **allowed** in the amount of \$1,277.00.

**Linda Reafleng/John Reafleng** filed a claim during the month of October, 2015, in the amount of \$83.96 for damage incurred to mailbox when it was struck by a StarTran bus. This claim has been reviewed by this office and has been **allowed** in the amount of \$83.96.

#### **PENDING CLAIMS:**

**James McCown** filed a claim during the month of December, 2013, in an unspecified amount for damage incurred to vehicle when allegedly struck by either a Lincoln Electric System vehicle or a Lincoln Water System vehicle. This claim is under review and is **pending**.

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

**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**.

**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**.

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

**Tobias Pelaez, Personal Representative of Estate of Fernando Pelaez Carmona** filed a claim during the month of May, 2014, in the amount of \$1,000,000 alleging the death of Fernando Pelaez Carmona was caused by custodial conditions occurring during the time of his arrest by Lincoln police and his incarceration at the Lancaster County Correctional Center. This claim is under review and is **pending**.

**Joshua Ryan Cozine and Anthony Charles Turner** filed a claim during the month of May, 2014, in the amount of \$15,000 for alleged damages incurred as the result of actions by Library personnel. This claim is under review and is **pending**.

**Kirk Botts** filed a claim during the month of May, 2014, in the amount of \$150,000 alleging he was assaulted and illegally arrested by Lincoln police officers. This claim is under review and is **pending**.

**Maurice Moore** filed a claim during the month of June, 2014, in the amount of \$150,000 alleging illegal and discriminatory arrest and detention when he was arrested. This claim is under review and is **pending**.

**KI and Elizabeth Dayalu** filed a claim during the month of July, 2014, in an unspecified amount for damage incurred to mailbox when it was allegedly struck by a street sweeper. This claim is under review and is **pending**.

**Arbor Day Foundation** filed a claim during the month of August, 2014, in the amount of \$4,594.52 for damage allegedly incurred as the result of water main break that occurred during P Street construction. This claim is under review and is **pending**.

**United Fire & Casualty Company as subrogee of Bouwens Plumbing** filed a claim during the month of August, 2014, in an unspecified amount for damage incurred to property owned by C Street LLC when water shot off valves installed by Bouwens Plumbing and supplied by Lincoln Water System malfunctioned causing water damage. **C Street LLC** filed a claim during the month of February, 2015, in the amount of \$12,630.90 for damage incurred to the property. This claim is under review and is **pending**.

**Kejjan Hesso** filed a claim during the month of September, 2014, in the amount of \$100,000.00 for injury incurred as the result of accident involving a StarTran bus. This claim is under review and is **pending**.

**Lynda S. King** filed a claim during the month of September, 2014, 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**.

**Douglas House** filed a claim during the month of October, 2014, in an unspecified amount alleging that his First, Fifth, and Fourteenth Amendment rights have been violated as the result of arrest by Lincoln police. This claim is under review and is **pending**.

**Ashley Sams** who is the surviving spouse of Stephen Sams filed a claim during the month of October, 2014, in an unspecified amount alleging the wrongful death of Stephen Sams who after his arrest by Lincoln Police attempted suicide in the jail and later died at the hospital. This claim is under review and is **pending**.

**Steve LaFargue** filed a claim during the month of October, 2014, in the amount of \$500,000 for injury allegedly incurred when claimant was rescued from a burning apartment building by Lincoln Fire and Rescue. This claim is under review and is **pending**.

**Robert and Kathleen Harrop** filed a claim during the month of October, 2014, in the amount of \$2,330.00 for alleged damage incurred to rental property as the result of action by Lincoln police during the execution of a no knock warrant. This claim is under review and is **pending**.

**Larry Ball** filed a claim during the month of November, 2014, in an unspecified amount alleging he incurred physical pain and emotional distress when he was arrested by Lincoln Police while distributing leaflets in front of Pinnacle Bank Arena. This claim is under review and is **pending**.

**Olga Alfonso** filed a claim during the month of December, 2014, in the amount of \$573.98 for cell phone that was allegedly misplaced by a Lincoln police officer. This claim is under review and is **pending**.

**William Swearingen** filed a claim during the month of January, 2015, in the amount of \$4,700.00 for damage allegedly incurred when Lincoln Water System employee was replacing water meter at claimant's home. This claim is under review and is **pending**.

**Brett Smith** filed a claim during the month of February, 2015, in an unspecified amount for damages incurred as the result of accident involving a StarTran bus. This claim is under review and is **pending**.

**Iris Alvarado and Carlos Mungia Vazquez** filed a claim during the month of February, 2015, in an unspecified amount for injuries incurred as the result of accident involving a StarTran bus. This claim is under review and is **pending**.

**Michelle Martinez** filed a claim during the month of March, 2015, in the amount of \$2,744.78 for damage allegedly incurred to vehicle when struck by rocks and gravel as the result of road construction activity near claimant's parked vehicle. This claim is under review and is **pending**.

**Luevonne Murrell** filed a claim during the month of March, 2015, in an unspecified amount for alleged injury incurred when vehicle that claimant was a passenger in was struck by a City police vehicle. This claim is under review and is **pending**.

**Bailey Stewart** filed a claim during the month of April, 2015, in the amount of \$2,434.24 for damage incurred to vehicle as the result of accident involving a StarTran bus. This claim is under review and is **pending**.

**Phoenix Loss Control on behalf of Time Warner** filed a claim during the month of April, 2015, in the amount of \$438.75 for damage allegedly incurred to cable by L.E.S. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

**David E. Tarrence and Tamara K. Geis** filed a claim during the month of April, 2015, in the amount of \$2,700,000 for alleged damages resulting from the search of claimants' home and vehicles by Lincoln police. This claim is under review and is **pending**.

**EZ Go Stores** filed a claim during the month of April, 2015, in an unspecified amount for damage allegedly incurred to sidewalk when a StarTran bus ran over it. This claim is under review and is **pending**.

**Marshall Krcmarik** filed a claim during the month of May, 2015, in an unspecified amount for damage allegedly incurred to tires as the result of debris at a street construction site. This claim is under review and is **pending**.

**Joyce Scheyer** filed a claim during the month of May, 2015, in the amount of \$270.41 for damage allegedly incurred to meter socket when electric service was turned off. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

**Phoenix Loss Control on behalf of Time Warner** filed a claim during the month of May, 2015, in the amount of \$2,464.71 for damage allegedly incurred to cable by L.E.S. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

**Orscheln Farm & Home LLC** filed a claim during the month of June, 2015, in the amount of \$7,896.81 for damage allegedly incurred to sewer line by and L.E.S. contractor. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

**Michael and Tonya Have** filed a claim during the month of June, 2015, in the amount of \$10,417.00 for damage incurred as the result of sewer backup on May 7, 2015. This claim is under review and is **pending**.

**William Rezac** filed a claim during the month of June, 2015, in the amount of \$28,499.67 for damage incurred as the result of sewer backup on May 7, 2015. This claim is under review and is **pending**.

**Guy R. Urbanek** filed a claim during the month of June, 2015, in the amount of \$1,000.00 for damage incurred as the result of sewer backup on May 7, 2015. This claim is under review and is **pending**.

**Matthew and Sarah Wattier** filed a claim during the month of June, 2015, in the amount of \$74,815.62 for damage incurred as the result of sewer backups on October 1, 2014, and May 7, 2015. This claim is under review and is **pending**.

**Dorothy Oreskovich** filed a claim in the amount of \$10,455.00 for damage incurred as the result of sewer backup on May 7, 2015. This claim is under review and is **pending**.

**Thelma Helgren** filed a claim during the month of June, 2015, in the amount of \$2,850.28 for damage incurred as the result of sewer backup on May 7, 2015. This claim is under review and is **pending**.

**Kenneth and Lisa Harris** filed a claim during the month of June, 2015, in the amount of \$4,630.00 for damage incurred as the result of sewer backup on May 7, 2015. This claim is under review and is **pending**.

**William Stahn** filed a claim during the month of June, 2015, in the amount of \$554.36 for damage incurred as the result of sewer backup on May 7, 2015. This claim is under review and is **pending**.

**Jerry Claycomb** filed a claim during the month of June, 2015, in the amount of \$1,242.58 for damage incurred as the result of sewer backup on May 7, 2015. This claim is under review and is **pending**.

**Steven and Deborah Himmelberg** filed a claim during the month of June, 2015, in the amount of \$10,943.49 for damage incurred as the result of sewer backup on May 7, 2015. This claim is under review and is **pending**.

**Runza** filed a claim during the month of June, 2015, in the amount of \$8,729.28 for damage incurred as the result of sewer backup on May 7, 2015. This claim is under review and is **pending**.

**Dale and Kathleen Baker** filed a claim during the month of June, 2015, in an unspecified amount for damage incurred as the result of sewer backup on May 7, 2015. This claim is under review and is **pending**.

**Melva Hackbart and Lori Cook** filed a claim during the month of June, 2015, in an unspecified amount for damage incurred as the result of sewer backup on May 7, 2015. This claim is under review and is **pending**.

**David and Debora Backhus** filed a claim during the month of June, 2015, in the amount of \$6,936.93 for damage incurred as the result of sewer backup on May 7, 2015. This claim is under review and is **pending**.

**Amanda Vetter** filed a claim during the month of June, 2015, in the amount of \$4,400.00 for damage incurred as the result of sewer backup on May 7, 2015. This claim is under review and is **pending**.

**Thomas Bender on behalf of Vera Bender** filed a claim during the month of June, 2015, in the amount of \$2,728.00 for damage incurred as the result of sewer backup on May 7, 2015. This claim is under review and is **pending**.

**Minarick Investments LLC** filed a claim during the month of June, 2015, in the amount of \$430.90 for damage incurred as the result of sewer backup on May 7, 2015. This claim is under review and is **pending**.

**Christine Franklin** filed a claim during the month of June, 2015, in the amount of \$17,694.32 for damage incurred as the result of sewer backup on May 7, 2015. This claim is under review and is **pending**.

**Mark and Kathy Hoefs** filed a claim during the month of June, 2015, in the amount of \$4,808.50 for clean-up and an unspecified amount for damages incurred as the result of sewer backup on May 7, 2015. This claim is under review and is **pending**.

**Brian and Danielle Willey** filed a claim during the month of June, 2015, in the amount of \$10,380.00 for damage incurred as the result of sewer backup on May 7, 2015. This claim is under review and is **pending**.

**Richard Gonzalez** filed a claim during the month of June, 2015, in the amount of \$7,400.00 for damage incurred as the result of sewer backup on May 7, 2015. This claim is under review and is **pending**.

**Gary and Phyllis Allen** filed a claim during the month of June, 2015, in the amount of \$3,034.50 for damage incurred as the result of sewer backup on May 7, 2015. This claim is under review and is **pending**.

**Ronald and Pamela Brecka** filed a claim during the month of June, 2015, in the amount of \$1,000 for damage incurred as the result of sewer backup on May 7, 2015. This claim is under review and is **pending**.

**American Family Insurance as subrogee of Thomas and Virginia Street** filed a claim during the month of July, 2015, in the amount of \$348.08 for damage allegedly incurred to insured's vehicle when wheel fell into an open manhole. This claim is under review and is **pending**.

**Zachariah and Amber King** filed a claim during the month of July, 2015, in the amount of \$1,000 for damage incurred as the result of sewer backup on May 7, 2015. This claim is under review and is **pending**.

**Colliers International** filed a claim during the month of July, 2015, in the amount of \$5,912.95 for damage allegedly incurred to water line by L.E.S. contractor. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

**William Lee Kolb** filed a claim during the month of July, 2015, in the amount of \$2,350.00 for damage allegedly incurred to sewer line when L.E.S. was replacing utility poles. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

**Christian Fielder** filed a claim during the month of July, 2015, in the amount of \$606.44 for damage incurred to vehicle when claimant struck a trailer that L.E.S. left parked near claimant's driveway. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

**James Barratt** filed a claim during the month of July, 2015, in the amount of \$1,039.62 for damage incurred as the result of sewer backup. This claim is under review and is **pending**.

**Susan Dermer** filed a claim during the month of August, 2015, in the amount of \$44,593.61 for damage incurred as the result of sewer backup on May 7, 2015. This claim is under review and is **pending**.

**Sharnick Compton** filed a claim during the month of August, 2015, in the amount of \$250,000 for dog that was shot by a Lincoln police officer when officers were responding to a disturbance at claimant's home. This claim is under review and is **pending**.

**Verdeen Stratton** filed a claim during the month of August, 2015, in the amount of \$97.09 for damage allegedly incurred to oven as the result of power outage. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

**Trover Solutions, Inc. on behalf of IMT Insurance Co. as subrogee of Brock Shelton** filed a subrogation claim during the month of August, 2015, in the amount \$5,000 for damage incurred to insured's property as the result of sewer backup on May 7, 2015. This claim is under review and is **pending**.

**Emily Kline** filed a claim during the month of August, 2015, in an unspecified amount for injury incurred as the result of trip on sidewalk. This claim is under review and is **pending**.

**Sydney Cruise** filed a claim during the month of September, 2015, in the amount of \$180.00 for expense incurred to hire electrician to identify that loss of power was an L.E.S. issue. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

**Mary Jean Higgins** filed a claim during the month of September, 2015, in the amount of \$1.00 requesting refund of four quarters that she deposited in a parking meter that allegedly did not register time on the meter. This claim is under review and is **pending**.

**Antonio Tyrone Williams** filed a claim during the month of September, 2015, seeking compensation in the amount of \$10,800 for incarceration, loss of employment and wages, and mental anguish as the result of his arrest. This claim is under review and is **pending**.

**Larry Speer (Speer Auto)** filed a claim during the month of September, 2015, in the amount of \$11,641.37 for damage allegedly incurred to sewer line by L.E.S. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

#### **NEW CLAIMS FILED DURING THE PERIOD OF OCTOBER 16 THROUGH OCTOBER 31, 2015:**

**Mr. Rooter Plumbing on behalf of Leon Sanders** filed a claim in the amount of \$3,180.00 for sewer line repair that Mr. Rooter Plumbing performed at 5025 Normal Blvd. in April 2015 due to alleged damage that occurred during backfilling by the City after original repair of sewer line by Mr. Rooter Plumbing in October 2014. This claim is under review and is **pending**.

**Lhonda and Paul Larson** filed a claim in the amount of \$1,600.00 for damage allegedly incurred to water shut off valve during backfilling by the City after claimants had their water line repaired. This claim is under review and is **pending**.

**Keo Sisavanh** filed a claim in the amount of \$2.00 for reimbursement of money deposited into two parking meters that claimant alleges were malfunctioning. This claim is under review and is **pending**.

#### **PENDING TORT LITIGATION:**

**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 and 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 was transferred to the U.S. District Court and on June 3, 2015, the Court granted summary judgment in favor of the City and Lincoln police officers. Plaintiff has appealed to the U.S. Court of Appeals. 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 and 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 Lancaster County District Court. On August 13, 2015, the District Court granted summary judgment in favor of the City of Lincoln. Plaintiff has appealed to the Nebraska Court of Appeals. 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 and 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**.

**John Crow** filed a claim during the month of October, 2012, in the amount of \$200,000 alleging that he was misclassified as an independent contractor and wrongfully terminated from his position as the PGA Professional for the Holmes Golf Course. This claim was reviewed by this office and denial was approved by the Lincoln City Council on November 19, 2012. Suit was filed in the Lancaster County District Court and litigation is **pending**.

**Elisa O'Dell and John O'Dell** filed a claim during the month of April, 2014, in an unspecified amount for damages incurred as the result of a motor vehicle accident which claimant alleges was caused by malfunctioning traffic signal lights. This claim was reviewed by this office and denial was approved by the Lincoln City Council on April 28, 2014. Suit was filed in Lancaster County District Court and litigation is **pending**.

**Shayla Funk** filed a claim during the month of March, 2014, in the amount of \$1,200,000 alleging she was falsely arrested and suffered humiliation, inconvenience, mental anguish, loss of wages and earning capacity and damage to her reputation as the result of photographs posted of her on the "Crime Stoppers" website. Suit was filed in the Lancaster County District Court and judgment was found in favor of Plaintiff Shayla Funk. The City of Lincoln has filed an appeal to the Nebraska Court of Appeals. Litigation is **pending**.

**Floyd Brown** filed a claim during the month of April, 2013, in the amount of \$100,000 for injuries incurred as the result of an accident involving a StarTran bus. **State Farm Insurance** filed a subrogation claim in the amount of \$5,000 for medical benefits paid as the result of the accident. This claim was withdrawn and suit was filed in the Lancaster County District Court. Litigation is **pending**.

**Blanca Rincon-Flores** filed a claim during the month of March, 2013, in the amount of \$20,000.00 for alleged injury incurred as the result of accident involving a City snowplow. This claim was withdrawn and suit was filed in the Lancaster County District Court. Litigation is **pending**.

**Michael Marsh** filed a claim during the month of March, 2015, in the amount of \$250,000 for alleged injury incurred as the result of bicycle accident at a street construction site. Claimant alleges that due to inadequate warning he rode his bicycle into freshly poured concrete which caused him to be thrown from his bicycle. Suit was filed in the Lancaster County District Court. Litigation is **pending**.

Submitted by City Law Department  
c: Risk Management