

Exhibit "A"

April 3, 2017

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

RE: Report of Claims Against the City of Lincoln for March 16 through March 31, 2017

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 16 through March 31, 2017. This report will describe the claims and the dispositions or status of these claims.

DENIED CLAIMS:

Ruth Ann Ronne filed a claim during the month of March, 2017, in the amount of \$849.20 for alleged damage incurred to tires as the result of tar on street. This claim has been reviewed by this office and has been **denied**.

Optum as subrogee of United Healthcare filed a subrogation claim in an unspecified amount for medical benefits paid on behalf of Mary E. Davidson for injury incurred to Ms. Davidson while she was a passenger on a StarTran bus. This claim has been reviewed by this office and has been **denied**.

ALLOWED/SETTLED CLAIMS:

Microtel Inn and Suites filed a claim during the month of February, 2017, in the amount of \$925.21 for damage incurred to property as the result of execution of a no knock warrant by Lincoln police. This claim has been reviewed by this office and has been **settled** in the amount of \$765.21.

Scott Albers filed a claim during the month of February, 2017, in the amount of \$169.84 for damage incurred to mailbox when it was struck by an L.E.S. trailer. This claim has been **settled** by the Risk Management Office in the amount of \$169.84.

David Bruno filed a claim during the month of March, 2017, in the amount of \$50.00 for damage incurred to mailbox when it was struck by an L.E.S. vehicle. This claim has been **settled** by the Risk Management Office in the amount of \$50.00.

Blaine and Kristi Ambroz filed a claim during the month of March, 2017, in the amount of \$4,247.89 for damage incurred to vehicle as the result of accident involving a City vehicle. This claim has been **settled** by the Risk Management Office in the amount of \$3,856.00.

Tom Shrader filed a claim during the month of March, 2017, in the amount of \$1,869.15 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 \$1,661.13.

Market Merchandisers, Inc. filed a claim during the month of March, 2017, in the amount of \$2,196.30 for damage incurred to vehicle when it was struck by an L.E.S. vehicle. This claim has been **settled** by the Risk Management Office in the amount of \$2,196.30.

LITIGATION SETTLEMENT:

Leroy Duffie filed a claim during the month of August, 2012, in the amount of \$200,000 for injuries arising from an incident involving Lincoln police on September 3, 2011. Suit was filed against the City of Lincoln and three Lincoln police officers in U.S. District Court and Lancaster County District Court. The City of Lincoln shall pay to Leroy Duffie the amount of \$160,000.00 as settlement for all claims. Both lawsuits shall be dismissed with prejudice against the City of Lincoln and the named police officers, who shall all be released under the settlement.

PENDING CLAIMS:

Dorothy Oreskovich filed a claim during the month of June, 2015, in the amount of \$10,455.00 for damage allegedly incurred 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 alleged injury incurred as the result of trip on sidewalk. 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 alleged loss of employment and wages and mental anguish as the result of his arrest and incarceration. This claim is under review and is **pending**.

Farmers Mutual of Nebraska as subrogee of Ward Hoppe LLC filed a claim during the month of February, 2016, in the amount of \$9,693.56 for damage incurred to insured's property when it was struck by a vehicle operated by an individual who was fleeing arrest. This claim is under review and is **pending**.

Mike Morosin filed a claim during the month of March, 2016, in the amount of \$31,275.00 for personal property removed from claimant's property by the City. This claim is under review and is **pending**.

Alexis Springer filed a claim during the month of April, 2016, in an unspecified amount for damage allegedly incurred as the result of pothole. This claim is under review and is **pending**.

Phoenix Loss Control on behalf of Time Warner Cable filed a claim during the month of May, 2016, in the amount of \$1,844.57 for damage allegedly incurred to cable by L.E.S. contractor. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

Terry Danek filed a claim during the month of May, 2016, in the amount of \$28,310.35 for damage allegedly incurred as the result of sewer backup on May 7, 2015. This claim is under review and is **pending**.

Pete Sinica filed a claim during the month of July, 2016, in the amount of \$10,184.15 for damage incurred to sewer line when electrical was placed underground by L.E.S. contractor in 1991-1992. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

Kurt and Nanette Olsen filed a claim during the month of December, 2016, in the amount of \$4,403.27 for damages allegedly incurred to vehicle and gutter as the result of fallen tree limbs. This claim is under review and is **pending**.

Progressive Insurance as subrogee of Claudette Schmidt filed a subrogation claim during the month of January, 2017 in the amount of \$12,203.69 for property damage resulting from a motor vehicle accident involving a City vehicle operated by a seasonal Parks employee and a vehicle owned and operated by Matthew Schmidt and insured by Claudette Schmidt. **Matthew Schmidt** filed a claim during the month of February, 2017, in the amount of \$38,000.00 for injuries incurred as a result of the accident. These claims are under review and **pending**.

St. Mark's UMC filed a claim during the month of February, 2017, in the amount of \$1,484.73 for damage allegedly incurred to security panel due to L.E.S. activity. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

Michelle Wright filed a claim during the month of February, 2017, in the amount of \$1,600.99 for damage allegedly incurred to vehicle as the result of falling debris from traffic light. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

John Henry's Plumbing filed a claim during the month of February, 2017, in the amount of \$3,122.21 for repair of sewer line at 801 Capitola Drive which was allegedly damaged by L.E.S. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

Nationwide Insurance as subrogee of 126 North 14th Street LLC filed a claim during the month of March, 2017, in the amount of \$14,267.35 for damage incurred to insured's property as the result of sewer back-up. This claim is under review and is **pending**.

TB Rentals LLC filed a claim during the month of March, 2017, in the amount of \$8,110.87 for damage incurred as the result of sewer back-up. This claim is under review and is **pending**.

NEW CLAIMS FILED DURING THE PERIOD OF MARCH 16 THROUGH MARCH 31, 2017:

Jose Gutierrez filed a claim in the amount of \$2,006.32 for damage incurred to vehicle when struck by a StarTran bus. This claim is under review and is **pending**.

Kelly Braswell filed a claim in the amount of \$2,907.05 for damage incurred to vehicle as the result of water main break. This claim is under review and is **pending**.

Sarah Wirthele filed a claim in the amount of \$1,363.68 for damage allegedly incurred to vehicle when struck by "gravel" from an L.E.S. trailer while traveling behind the trailer on 84th Street. 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 has been filed in the Lancaster County Court and 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. On October 19, 2015, the District Court granted dismissal in favor of the City of Lincoln. Plaintiff has appealed to the Nebraska Court of Appeals. 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 has been filed in Lancaster County District Court and litigation is **pending**.

Michael Bradstreet filed a claim during the month of April, 2014, in the amount of \$1,000,000 alleging damages incurred as the result of accident involving a fire truck. This claim was reviewed by this office and denial was approved by the Lincoln City Council on May 12, 2014. Suit has been filed in Lancaster County District Court and litigation is **pending**.

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. Suit has been filed in U.S. District Court and litigation is **pending**.

Susan Dermer filed a claim during the month of November, 2014, in the amount of \$10,226.02 for alleged damages incurred as the result of sewer backup on October 1, 2014. This claim was reviewed by this office and denial was approved by the Lincoln City Council on June 29, 2015. Suit has been filed in Lancaster County District Court and litigation is **pending**.

Susan Dermer filed a claim during the month of August, 2015, in the amount of \$44,593.61 for alleged damages incurred as the result of sewer backup on May 7, 2015. This claim was reviewed by this office and denial was approved by the Lincoln City Council on May 2, 2016. Suit has been filed in Lancaster County District Court and litigation is **pending**.

Kathy Girard-Williams and Michael Williams filed a claim during the month of August, 2016, in the amount of \$1,000,000 for alleged injury incurred when Ms. Girard-Williams was riding her bicycle and struck a tree branch hanging over sidewalk. This claim was reviewed by this office and denial was approved by the Lincoln City Council on October 24, 2016. Suit has been filed in Lancaster County District Court and litigation is **pending**.

Barine Deezia filed a claim during the month of April, 2016, in the amount of \$1,000,000 for alleged injuries incurred when claimant was arrested. Suit has been filed in U.S. District Court and litigation is **pending**.

Submitted by City Law Department

c: Risk Management