

Exhibit "A"

November 18, 2002

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

RE: Report of Claims Against the City of Lincoln for November 1 through 15, 2002

Dear Mayor & Council:

The following is a report of new and pending claims against the City of Lincoln, as well as claims which have been disposed of, for the period of November 1 through November 15, 2002. This report shall indicate the types of claims filed and the status and dispositions of these claims.

CLAIMS FILED IN PREVIOUS MONTHS:

Roland F. Bouska filed a claim during the month of September, 2000, in the amount of \$10,000 for alleged damages incurred as the result of an accident involving a Lincoln police vehicle. This claim has been referred to the City's fleet carrier and is **PENDING**.

County of Lancaster filed a claim during the month of October, 2001, for medical expenses incurred as the result of an arrest by Lincoln police of an individual who was taken to the hospital for treatment of injuries allegedly incurred during his arrest. The County alleges that they inadvertently paid for part of the medical expenses. This claim is under review and is **PENDING**.

Amy Bruning filed a claim during the month of December, 2001, in an unspecified amount for alleged injuries incurred as the result of a motor vehicle accident wherein claimant was a passenger in a vehicle that was in collision with a Lincoln police cruiser. This claim has been referred to the City's fleet carrier and is **PENDING**.

Allen Hall filed a claim during the month of February, 2002, in the amount of \$50,000 for alleged damages incurred as the result of an accident involving a City police cruiser. This claim has been referred to the City's fleet carrier. The claim is **PENDING**.

Patricia and James Dodson filed a claim during the month of March, 2002, in the amount of \$4,913.83 on behalf of their minor daughter, Jean Dodson. Jean Dodson, who was playing keyboard with her high school pep band at State Basketball Tournaments at Pershing Auditorium, allegedly received an electrical shock while adjusting an amplifier which was connected to an extension cord supplied by Pershing Auditorium. Claimants alleged that the extension cord was faulty. This claim has been referred to the insurer for Pershing Auditorium and is **PENDING**.

Neil and April Kringle and Neil and April Kringle on behalf of their minor child, Blake Kringle, filed a claim during the month of May, 2002, in the amount of \$1,000,000 for damages allegedly incurred when Blake Kringle fell off of his bicycle and into a culvert. This claim is under review and is **PENDING**.

Lois Lockman filed a claim during the month of June, 2002, in the amount of \$500,000 for alleged injury incurred as the result of a trip and fall on sidewalk. This claim has been reviewed by this office and has been **DENIED**. The lien of St. Elizabeth Regional Medical Center in the amount of \$3,341.60 for treatment provided to Ms. Lockman has also been **DENIED**.

Harriet Abels filed a claim during the month of July, 2002, in an unspecified amount for injury and damage incurred to eyeglasses allegedly incurred as the result of a trip and fall on sidewalk. This claim has been reviewed by this office and has been **DENIED**.

Rena Francis S. Paulo and her minor daughter, Yasmin Nasur, filed a claim during the month of August, 2002, for property damage in the amount of \$2,129.83 resulting from a motor vehicle accident involving a Lincoln police vehicle. The driver of the vehicle, Yasmin Nasur, and a passenger, Aduot Abdalla, went to the emergency room after the accident due to neck pain. The property damage portion of this claim has been settled by the Risk Management Office in the amount of \$700. The injury claims of Yasmin Nasur and Aduot Abdalla are **PENDING**.

Joel and Suzann Butler filed a claim during the month of September, 2002, 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**.

Theresa Yonker filed a claim during the month of September, 2002, in an unspecified amount for alleged damages incurred as the result of claimant's termination from City employment. This claim is under review and is **PENDING**.

Duane Benck filed a claim during the month of September, 2002, in the amount of \$146.43 for damage incurred when a traffic counter cable across the road came loose causing damage to his tire. This claim is under review and is **PENDING**.

Jon and Julie Grubb filed a claim during the month of September, 2002, in the amount of \$911.64 for expenses incurred as the result of a sanitary sewer back-up at claimants' rental property. This claim is under review and is **PENDING**.

David M. Stading filed a claim during the month of September, 2002, in the amount of \$1,418.95 for damages incurred as the result of an accident involving a StarTran bus. This claim has been reviewed by this office and has been settled in the amount of \$816.14. Blue Cross Blue Shield of Nebraska has filed a subrogation notice for benefits it paid on behalf of David Stading. Blue Cross Blue Shield's subrogation claim is **PENDING**.

Donald and Sylvia Finke filed a claim during the month of September, 2002, in the amount of \$13,137.52 for damages incurred as the result of a sanitary sewer back-up. This claim is under review and is **PENDING**.

Mr. & Mrs. Charles Cooper filed a claim during the month of October, 2002, in the amount of \$1,027.68 for damages incurred as the result of a sanitary sewer back-up. This claim is under review and is **PENDING**.

Cameron and Jodi Grabast filed a claim during the month of October, 2002, in an unspecified amount for damages incurred as the result of a sanitary sewer back-up. This claim is under review and is **PENDING**.

Karen Rice filed a claim during the month of October, 2002, in the amount of \$300 for damage incurred to her vehicle when she drove through tar that had been spilled on the street. This claim is under review and is **PENDING**.

Joseph and Deb Schwartztrauber, filed a claim during the month of October, 2002, on behalf of their minor daughter, Katherine Schwartztrauber, for injury incurred when Katherine was riding her bicycle onto the sidewalk at Coddington Park when her bicycle went off the edge of the sidewalk causing her to fall. This claim is under review and is **PENDING**.

Mike Spealman filed a claim during the month of October, 2002, in the amount of \$239.99 for damages incurred as the result of a sanitary sewer back-up. This claim has been reviewed by this office and has been **SETTLED** in the amount of \$100.

Shelly Berck filed a claim during the month of October, 2002, in the amount of \$681.85 for alleged damages incurred as the result of a sanitary sewer back-up. This claim is under review and is **PENDING**.

Donald W. Rohla filed a claim during the month of October, 2002, in the amount of \$315.80 for yellow street paint on his vehicle. This claim is under review and is **PENDING**.

Karen Kuster filed a claim during the month of October, 2002, in the amount of \$2,438.62 for damage incurred to her vehicle when it was struck by a Parks & Rec vehicle. This claim is under review and is **PENDING**.

Lincoln Little Chiefs/Little League Baseball filed a claim during the month of October, 2002, in an unspecified amount for missing lawn mower that was being stored in a shed at a Parks & Rec baseball field. This claim is under review and is **PENDING**.

Gerald McAuliffe filed a claim during the month of October, 2002, in an unspecified amount for damages incurred as the result of a water main break. This claim is under review and is **PENDING**.

David Peer filed a claim during the month of October, 2002, in the amount of \$544.19 for damage incurred to vehicle as the result of a displaced manhole cover. This claim has been reviewed by this office and has been **DENIED**.

CLAIMS FILED NOVEMBER 1 THROUGH NOVEMBER 15, 2002:

Rolland Victor filed a claim in the amount of \$8,438.90 for injury incurred a the result of a trip and fall on sidewalk. This claim is under review and is **PENDING**.

State Farm Insurance Co. (Bryan Brandenburgh, Insured) filed a claim in the amount of \$3,027.33 for alleged water damage at Insured's rental property. This claim is under review and is **PENDING**.

Lanny R. Goering filed a claim in the amount of \$1,416.00 for alleged damage incurred as the result of a broken water meter. This claim is under review and is **PENDING**.

Jason Hill filed a claim in the amount of \$328.67 for damage to tire when it allegedly struck a piece of broken curbing in the street. This claim has been reviewed by this office and has been **DENIED**.

Timothy and Denise Dean filed a claim in the amount of \$4,799.37 for damage incurred to their vehicle as the result of an accident involving a City-owned vehicle. This claim has been **SETTLED** by the Risk Management Office in the amount of \$4,799.37.

Sally D. Peterson filed a claim in an unspecified amount for alleged damage incurred to her vehicle as the result of a low-hanging tree branch. This claim is under review and is **PENDING**.

Scott M. Miller filed a claim in the amount of \$202.56 for damage incurred to the door of his rental property as the result of action by Lincoln police who were attempting to apprehend an individual who was suspected of stealing a police cruiser. This claim has been reviewed by this office and has been **DENIED**.

David A. Tinius filed a claim in the amount of \$300 for expenses incurred as the result of a sanitary sewer back-up. This claim is under review and is **PENDING**.

Jody Goff filed a claim in the amount of \$107.00 for yellow street paint on her vehicle. This claim is under review and is **PENDING**.

Greg Dorn filed a claim in the amount of \$48.15 for reimbursement of tow fees. This claim has been reviewed by this office and has been **DENIED**.

The Church of Christ has filed a claim in the amount of \$5,500 for damage incurred to a sign when it was struck by a vehicle which was being operated by an individual who was fleeing arrest. This claim has been reviewed by this office and has been **DENIED**.

PENDING TORT LITIGATION:

The Estate of Rachel Quintana and her children, Catalina Quintana, Thomas Quintana, Randy Quintana, Samuel Quintana, Felisa Quintana, and Victoria Gallegos, filed a claim in the amount of \$500,000 during the month of November, 1999, for damages incurred when Rachel Quintana fell from her wheelchair while exiting a StarTran Handivan. Counsel for claimants withdrew his clients' claim on July 6, 2000, and filed a petition in the Lancaster County District Court on July 20, 2000. Litigation is **PENDING**.

Gail P. Frasier filed a claim during the month of December, 1999, in an unspecified amount for alleged injury incurred as the result of falling on a sidewalk. This claim was reviewed by this office and denial was approved by the City Council on January 20, 2000. Counsel for claimant filed a petition in the Lancaster County District Court on September 25, 2000. Plaintiff prays for special damages in the amount of \$13,500 and general damages. Litigation is **PENDING**.

Brian Harman filed a claim during the month of October, 1999, in an unspecified amount for alleged injuries incurred as the result of a motor vehicle accident involving a City-owned vehicle. Claimant was a passenger in a vehicle that was rear-ended by a City-owned vehicle. This claim was referred to the City's fleet carrier. Counsel for claimant withdrew his client's claim on October 6, 2000, and filed a petition in the Lancaster County District Court on October 9, 2000. Plaintiff prays for special damages in the amount of \$2,500 and general damages. Litigation is **PENDING**.

Lori J. Shipferling filed a claim during the month of August, 1997, in an unspecified amount for injury incurred when claimant stepped onto an alleged defective meter vault lid. This claim was reviewed by this office and denial was approved by the City Council on March 16, 1998. Ms. Shipferling filed suit in

the Lancaster County District Court against Gale and Carolyn Cook, the owners of the property where the meter vault is located, and the Cooks have filed a Third Party Petition against the City of Lincoln. Pursuant to jury verdict returned on January 28, 2002, judgment was entered in favor of defendants and against Plaintiff Shipferling. Counsel for Plaintiff filed a motion for new trial, which motion was overruled. On March 27, 2002, Plaintiff filed a notice of appeal to the Nebraska Court of Appeals. Litigation is **PENDING**.

Mark Hundley filed a claim during the month of May, 2000, for damages incurred when he was struck by a rock while riding his motorcycle. Claimant alleges the rock was thrown from a City mowing machine. This claim was reviewed by this office and denial was approved by the City Council on July 31, 2000. Counsel for claimant filed a petition in the Lancaster County District Court on December 1, 2000. Plaintiff prays for special damages in the amount of \$979.92 and general damages. Litigation is **PENDING**.

Dale S. Nelson filed a claim during the month of October, 2000, in the amount of \$1,000,000 for alleged damages incurred as the result of a motor vehicle accident. Claimant alleges that the accident was the result of a police pursuit of a vehicle which struck his vehicle. Counsel for claimant withdrew his client's claim on May 2, 2001, and filed a petition in the Lancaster County District Court on May 3, 2001. Litigation is **PENDING**.

Summer P. Thomason filed a claim during the month of August, 2000, in the amount of \$1,000,000 for damages incurred as the result of a motor vehicle accident involving a vehicle driven by claimant and a vehicle driven by Teresa Zuerlein, a Health Department employee. This claim was referred to the City's fleet carrier and was denied. Denial of this claim was approved by the City Council on March 5, 2001. Counsel for claimant filed a petition in the Lancaster County District Court on May 3, 2001. Litigation is **PENDING**.

Cindy Schumacher filed a claim during the month of December, 2000, in the amount of \$500,000 for alleged injury incurred when claimant was allegedly struck by a water bottle that was thrown into the stands by a cheerleader at a Lincoln Lightning football game at Pershing Auditorium. Counsel for claimant withdrew his client's claim on August 13, 2001, and filed a petition in the Lancaster County District Court on August 15, 2001. Litigation is **PENDING**.

Sharon Mitchell filed a claim during the month of March, 2001, in an unspecified amount for damages allegedly incurred as the result of a pothole in an alley. This claim was reviewed by this office and denial of this claim was approved by the City Council on June 4, 2001. Counsel for claimant filed a petition in the Lancaster County Court on September 24, 2001. Plaintiff prays for special damages in the amount of \$4,014.13, general damages, interest, and costs of action. Litigation is **PENDING**.

Jason Blair filed a claim during the month of December, 2000, for injuries incurred as the result of a motor vehicle accident which was allegedly related to a police chase. This claim was reviewed by this office and denial of this claim was approved by the City Council on September 17, 2001. Counsel for claimant filed a petition in the Lancaster County District Court on September 26, 2001. Plaintiff prays for judgment in the amount of \$10,875.23, general damages, and costs of action. Litigation is **PENDING**.

Robert Blankenship filed a claim during the month of December, 2000, for injuries incurred as the result of a motor vehicle accident which was allegedly related to a police chase. This claim was reviewed by this office and denial of this claim was approved by the City Council on September 17, 2001. Counsel

for claimant filed a petition in the Lancaster County District Court on December 20, 2001. Litigation is **PENDING**.

Theodore Wilcox filed a claim during the month of May, 2001, in the amount of \$100,000 for alleged injury incurred when he allegedly fell in a hole after exiting a StarTran bus. This claim was reviewed by this office and denial of this claim was approved by the City Council on September 17, 2001. Counsel for claimant filed a petition in the Lancaster County District Court on December 17, 2001. Litigation is **PENDING**.

The Personal Representative for the Estate of Mildred Youngquist filed a claim during the month of May, 2001, in an unspecified amount for alleged damages incurred when Mildred Youngquist fell out of her wheelchair on a StarTran bus. Counsel for claimant filed a petition in the Lancaster County District Court on April 18, 2002. Litigation is **PENDING**.

Richard Hedrick filed a claim during the month of November, 2001, in the amount of \$50.00 for expenses incurred for the repair of water service to his rental property allegedly arising from the replacement of the main line connected to the property. This claim was reviewed by this office and denial of this claim was approved by the City Council on January 28, 2002. Richard Hedrick filed a claim in the Small Claims Court on June 3, 2002, wherein he claimed damages in the amount of \$300. The case has been **DISMISSED**.

State Farm Insurance Co. filed a subrogation claim during the month of November, 2000, regarding an accident involving a vehicle driven by their insured, Robin Baker, and a StarTran bus. This claim was reviewed by this office and denial of this claim was approved by the City Council on July 2, 2001. Counsel for Robin Baker filed a petition in the Lancaster County Court on June 5, 2002. Litigation is **PENDING**.

Leta Thompson filed a claim during the month of January, 2002, in the amount of \$15,000 for alleged injury incurred as the result of falling on a sidewalk. This claim was reviewed by this office and denial was approved by the City Council on February 25, 2002. Counsel for claimant filed a petition in the Lancaster County District Court on June 20, 2002. Litigation is **PENDING**.

Rex Miller filed a claim during the month of October, 2001, in the amount of \$20,000 for alleged injury incurred when the swing that claimant was swinging on at Ballard Park allegedly failed and dropped claimant to the ground. This claim was reviewed by this office and denial of this claim was approved by the City Council on January 14, 2002. Counsel for Rex Miller filed a petition in the Lancaster County District Court on June 27, 2002. Litigation is **PENDING**.

Mohamed A. El-Tabech filed a claim in an unspecified amount alleging that Lincoln Police violated his rights under the "Vienna Convention on Consular Relations Treaty" and that said violation has caused claimant the loss of his freedom. Claimant stated in his claim that he was arrested by Lincoln Police on June 24, 1984, convicted in the Lancaster County District Court of first degree murder, and sentenced to life imprisonment. This claim was reviewed by this office and denial of this claim was approved by the City Council on June 17, 2002. Mohamed A. El-Tabech filed a petition in the Lancaster County District Court on July 22, 2002. Litigation is **PENDING**.

Richard A. Eastep d/b/a Eastep's Wheels, Inc. filed a claim during the month of April, 2000, in the amount of \$56,102.00 for damage incurred to property as the result of a water main break. This claim was denied for the reason that claimant had not pursued the matter for over a year. Denial of this claim

was approved by the City Council on January 14, 2002. Counsel for claimant filed a petition in the Lancaster County District Court on July 25, 2002. Richard and Laveda Eastep are praying for judgment in the amount of \$13,448.94 and Eastep's Wheels, Inc. is praying for judgment in the amount of \$53,075.70. Litigation is **PENDING**.

The Estate of J. Michael Lawlor and Sue Lawlor individually filed claims during the month of February, 2001, in unspecified amounts alleging negligence by Lincoln Fire Department personnel in their care and treatment of J. Michael Lawlor. Counsel for claimant withdrew his client's claim on February 20, 2002, for the purpose of initiating legal action. A petition was filed in the Lancaster County District Court on August 13, 2002. Litigation is **PENDING**.

Jacen Roper filed a claim during the month of June, 2002, in the amount of \$5,322.69 for damage incurred to his vehicle as the result of an accident involving a Lincoln police vehicle. This claim was reviewed by this office and denial of this claim was approved by the City Council on July 15, 2002. Counsel for Jacen Roper filed a petition in the Lancaster County District Court on August 20, 2002. Litigation is **PENDING**.

Dirk Allgood filed a claim during the month of August, 2001, in an unspecified amount for injury allegedly incurred when claimant tripped on an alleged defect in a pedestrian passageway underneath the BNSF railroad track line located on 1st Street between "G" and "H". This claim was reviewed by this office and denial of this claim was approved by the City Council on October 1, 2001. Counsel for Dirk Allgood filed a petition in the Lancaster County District Court on September 30, 2002. Litigation is **PENDING**.

Respectfully submitted,

James D. Faimon
Assistant City Attorney

JDF/skb
c: Risk Management