

Exhibit "A"

March 1, 2004

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

RE: Report of Claims Against the City of Lincoln for February 16 through February 29, 2004

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 February 16 through February 29, 2003. This report will describe the claims and the dispositions or status of these claims.

ALLOWED/SETTLED CLAIMS:

Kent Docekal filed a claim during the month of January, 2004, in the amount of \$1,059.38 for damage to vehicle and medical expenses incurred as the result of an accident involving an L.E.S. vehicle. This claim has been reviewed by this office and has been **allowed** in the amount of \$1,059.38.

Marcelle Karabatsos filed a claim during the month of February, 2004, in the amount of \$35.00 for damage incurred to garbage can when it was struck by a snowplow. This claim has been reviewed by this office and has been **allowed** in the amount of \$35.00.

Brooke Johnson filed a claim during the month of February, 2004, for damage incurred to windshield of vehicle when it was struck by gravel that fell from a City truck. This claim has been reviewed by this office and has been **allowed** in the amount of \$385.73.

Alan P. Helms filed a claim during the month of February, 2004, in the amount of \$293.64 for damage incurred to vehicle as the result of an accident involving a StarTran bus. This claim has been **settled** by the Risk Management Office in the amount of \$293.64.

Becky Stout filed a claim during the month of February, 2004, in the amount of \$156.52 for damage incurred to vehicle when it was struck by a snowplow. This claim has been **settled** by the Risk Management Office in the amount of \$156.52.

Donald Barth filed a claim during the month of February, 2004, in the amount of \$260.00 for damage incurred to vehicle when it was struck by a StarTran bus. This claim has been **settled** by the Risk Management Office in the amount of \$260.00.

Mary R. Johnson filed a claim during the month of February, 2004, in the amount of \$895.10 for damage incurred to vehicle when it was struck by a StarTran bus. This claim has been **settled** by the Risk Management Office in the amount of \$895.10.

Loulwah Almarshoud filed a claim during the month of February, 2004, in the amount of \$500.34 for damage incurred to vehicle as the result of an accident involving a StarTran bus. This claim has been **settled** by the Risk Management Office in the amount of \$500.34.

Beach Construction, Inc. filed a claim during the month of February, 2004, in the amount of \$7,200.33 for damage incurred to vehicle when it was struck by a snowplow. This claim has been **settled** by the Risk Management Office in the amount of \$7,200.33.

Cody Molacek filed a claim during the month of February, 2004, in the amount of \$2,694.39 for damage incurred to vehicle when it was struck by a snowplow. This claim has been **settled** by the Risk Management Office in the amount of \$2,137.00.

DENIED CLAIMS:

Craig A. Workman filed a claim during the month of June, 2003, in the amount of \$454.75 for damage incurred to his vehicle when it was allegedly sprayed with paint that was being used to mark manholes in the area of the 70th and "O" street construction project. This claim has been referred to the contractor, Constructors Inc., for processing, and the claim against the City of Lincoln has been **denied**.

Deborah Stephen filed a claim during the month of January, 2004, in the amount of \$100 for damage allegedly incurred to sod and sprinkler system as the result of snow removal activity. This claim has been reviewed by this office and has been **denied**.

Nancy A. Lowe filed a claim during the month of January, 2004, in an unspecified amount for damage allegedly incurred to sod and sprinkler system as the result of snow removal activity. This claim has been reviewed by this office and has been **denied**.

Katya Rosales filed a claim during the month of January, 2004, in the amount of \$2,946.30 for damage incurred to vehicle as the result of an accident involving a snowplow. This claim has been referred to City snow removal contractor (Walton Construction) for processing, and the claim against the City of Lincoln has been **denied**.

Russ Kosch filed a claim during the month of February, 2004, in an unspecified amount for damage allegedly incurred to sod and sprinkler system as the result of snow removal activity. This claim has been reviewed by this office and has been **denied**.

Tricia Rose White filed a claim during the month of February, 2004, in an unspecified amount for alleged injury incurred when she was a passenger on a StarTran bus that was rear-ended by another StarTran bus. This claim has been reviewed by this office and has been **denied**.

Ricardo Hidalgo filed a claim during the month of February, 2004, in an unspecified amount for damage incurred to his vehicle when it was struck by a snowplow. This claim has been referred to City's snow removal contractor (Brunns Construction) for processing, and the claim against the City of Lincoln has been **denied**.

Samuel Sanchez and State Farm Insurance Co. filed a claim during the month of February, 2004, in the amount of \$2,253.45 for damage incurred to vehicle when it was struck by a snowplow. This claim has been referred to City's snow removal contractor (Kevin Thompson) for processing, and the claim against the City of Lincoln has been **denied**.

Paul VonBusch filed a claim during the month of February, 2004, in an unspecified amount for injury incurred when he allegedly tripped on a metal pipe protruding from the ground in the right-of-way. This claim has been reviewed by this office and has been **denied**.

Brooke Johnson filed a claim during the month of February, 2004, in the amount of \$786.19 for damage incurred to vehicle when it was struck by a snowplow. This claim has been referred to City's snow removal contractor (Brunns Construction) for processing, and the claim against the City of Lincoln has been **denied**.

Eugene and Jennifer Nelson filed a claim during the month of February, 2004, in an unspecified amount for damage allegedly incurred to sod and sprinkler system as the result of snow removal activity. This claim has been reviewed by this office and has been **denied**.

Paul Iwan filed a claim during the month of February, 2004, in the amount of \$309.96 for damage incurred to vehicle when it was struck by gravel from a City gravel spreader. This claim has been reviewed by this office and has been **denied**.

Kary Giebelhaus filed a claim during the month of February, 2004, on behalf of **Randal D. Schmieding** in the amount of \$817.36 for damage incurred to rental property (owned by Schmieding/ managed by Giebelhaus) as the result of Lincoln police forcibly entering apartment to arrest tenant who had active warrants. This claim has been reviewed by this office and has been **denied**.

Florine Tobiska filed a claim during the month of February, 2004, in an unspecified amount for damage allegedly incurred to sod and sprinkler system as the result of snow removal activity. This claim has been reviewed by this office and has been **denied**.

PENDING CLAIMS:

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**.

Inspro Insurance filed a claim on behalf of **Darrin Brittenham** during the month of February, 2003, in the amount of \$1,900.98 for damage incurred to vehicle when it was struck by a Lincoln police vehicle. This claim is under review and is **pending**.

Carl Campbell, President of Campbell Properties Corporation filed a claim during the month of April, 2003, in the amount of \$306,500 alleging that the City failed to remove obstructions consisting of trees, limbs, debris, and rubbish in the watercourse running through Beal Slough allegedly causing water flowing through Beal Slough to erode the property of the claimant. This claim is under review and is **pending**.

Linda Voss filed a claim during the month of May, 2003, for damages and injuries incurred as the result of a motor vehicle accident involving a StarTran bus. This claim is under review and is **pending**.

Williamsburg Partnership d/b/a Williamsburg Apartments filed a claim during the month of September, 2003, in the amount of \$47,311.76 for alleged damages incurred as the result of a water main break. This claim is under review and is **pending**.

Liberty Mutual Insurance (Richard Rung/United Parcel Service , Insured) filed a claim during the month of December, 2003, in an unspecified amount for alleged injury incurred to Richard Rung when he, while delivering a package, stepped into an 18-inch hole between the sidewalk and the street, which was allegedly covered by leaves. This claim is under review and is **pending**.

Carol J. Portsche filed a claim during the month of December, 2003, in an unspecified amount for alleged damage incurred to her mailbox as the result of snow removal activity. This claim is under review and is **pending**.

Awards Unlimited filed a claim during the month of December, 2003, in the amount of \$23,939.63 for alleged damages incurred as the result of a sanitary sewer back-up. This claim is under review and is **pending**.

FMA Realty / B & J Partnership / Brewsky's filed a claim during the month of December, 2003, in the amount of \$12,399.13 for alleged damages incurred as the result of a sanitary sewer back-up. This claim is under review and is **pending**.

Scott Cather filed a claim during the month of December, 2003, 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**.

Robb Hayes filed a claim during the month of December, 2003, in an unspecified amount for alleged damage incurred to his mailbox as the result of snow removal activity. This claim is under review and is **pending**.

Ricky Austin filed a claim during the month of December, 2003, in the amount of \$500,000 for alleged injury incurred while claimant was in police custody in the back seat of a police vehicle when it was rear-ended by another police vehicle. This claim is under review and is **pending**.

Charles A. Chandler filed a claim during the month of December, 2003, in the amount of \$17.96 for alleged damage incurred to mailbox as the result of snow removal activity. This claim is under review and is **pending**.

David and Donna Taylor filed a claim during the month of December, 2003, in the amount of \$75.84 for alleged damage incurred to mailbox as the result of snow removal activity. This claim is under review and is **pending**.

State Farm Insurance Company (Richard D. Scholl, Insured) filed a subrogation claim during the month of January, 2004, for expenses incurred as the result of a motor vehicle accident involving a Lincoln police vehicle. This claim is under review and is **pending**.

Betty Mumford filed a claim during the month of January, 2004, in the amount of \$35.00 for damage allegedly incurred to mailbox as the result of snow removal activity. This claim is under review and is **pending**.

Tammy Rogers filed a claim during the month of January, 2004, in the amount of \$30.00 for damage allegedly incurred to mailbox as the result of snow removal activity. This claim is under review and is **pending**.

Randall J. Kuta filed a claim during the month of January, 2004, in an unspecified amount for damage allegedly incurred to mailbox as the result of snow removal activity. This claim is under review and is **pending**.

Jill Meile filed a claim during the month of January, 2004, in the amount of \$10.69 for damage allegedly incurred to mailbox as the result of snow removal activity. This claim is under review and is **pending**.

Angela R. Owens filed a claim during the month of January, 2004, in the amount of \$34.39 for damage allegedly incurred to mailbox as the result of snow removal activity. This claim is under review and is **pending**.

Nicholas Wemhoff filed a claim during the month of January, 2004, in an unspecified amount for damage allegedly incurred to mailbox as the result of snow removal activity. This claim is under review and is **pending**.

Joseph E. Banset Jr. filed a claim during the month of January, 2004, in the amount of \$150.00 for damage allegedly incurred to mailbox and planter as the result of snow removal activity. This claim is under review and is **pending**.

David Hywood filed a claim during the month of January, 2004, in the amount of \$65.99 for damage allegedly incurred to mailbox as the result of snow removal activity. This claim is under review and is **pending**.

Daniel Nelson filed a claim during the month of January, 2004, in the amount of \$608.98 for reimbursement of attorney fees he incurred for his defense of citations which he claims were wrongfully issued by a Lincoln police officer. This claim is under review and is **pending**.

Scott Romine filed a claim during the month of January, 2004, in an unspecified amount for damage allegedly incurred to mailbox as the result of snow removal activity. This claim is under review and is **pending**.

Continental Western Group (The 3 Amigos Properties LLC, Insured) filed a subrogation claim during the month of January, 2004, in an unspecified amount for injury incurred to Robert Hummel who fell on a sidewalk next to insured's property at 620 North 48th Street in Lincoln. This claim is under review and is **pending**.

Ben McCaslin filed a claim during the month of January, 2004, in the amount of \$2,377.56 for damages incurred as the result of a sanitary sewer back-up. This claim is under review and is **pending**.

Knickerbockers filed a claim during the month of January, 2004, in an unspecified amount for damage allegedly incurred to water main shutoff valve as the result of snow removal activity. This claim is under review and is **pending**.

Kristin Meester filed a claim during the month of January, 2004, in the amount of \$1,862.43 for damage incurred to her vehicle when it was allegedly struck by a snow plow. This claim is under review and is **pending**.

Don Handy filed a claim during the month of January, 2004, in an unspecified amount for damage incurred to mailbox as the result of snow removal activity. This claim is under review and is **pending**.

Cathy Smith filed a claim during the month of January, 2004, in an unspecified amount for damage incurred to mailbox as the result of snow removal activity. This claim is under review and is **pending**.

Matthew Strand filed a claim during the month of January, 2004, in an unspecified amount for damage incurred to vehicle when it was allegedly struck by a snowplow. This claim is under review and is **pending**.

Darwin Bietz filed a claim during the month of January, 2004, in the amount of \$86.82 for damage incurred to mailbox as the result of snow removal activity. This claim is under review and is **pending**.

Barb Stokke filed a claim during the month of January, 2004, in the amount of \$8.00 for damage incurred to mailbox as the result of snow removal activity. This claim is under review and is **pending**.

Jane and Norm Schuller filed a claim during the month of January, 2004, in the amount of \$55.00 for damage incurred to mailbox as the result of snow removal activity. This claim is under review and is **pending**.

Denise Arnold filed a claim during the month of February, 2004, in the amount of \$53.47 for damage incurred to mailbox as the result of snow removal activity. This claim is under review and is **pending**.

Frederic "Buck" Kiechel IV filed a claim during the month of February, 2004, in the amount of \$171.33 for damage incurred to tire as the result of an alleged defect in the street. This claim is under review and is **pending**.

Cindy Done' filed a claim during the month of February, 2004, in the amount of \$50.00 for damage incurred to mailbox as the result of snow removal activity. This claim is under review and is **pending**.

June Beeman filed a claim during the month of February, 2004, in the amount of \$42.78 for damage incurred to mailbox as the result of snow removal activity. This claim is under review and is **pending**.

Patrick Parolek filed a claim during the month of February, 2004, in an unspecified amount for damage incurred to mailbox as the result of snow removal activity. This claim is under review and is **pending**.

Christine A. Huenink filed a claim during the month of February, 2004, in the amount of \$95.00 for damage incurred to mailbox as the result of snow removal activity. This claim is under review and is **pending**.

JoAnne Baldwin filed a claim during the month of February, 2004, in the amount of \$21.13 for damage incurred to mailbox as the result of snow removal activity. This claim is under review and is **pending**.

Frank M. Rich filed a claim during the month of February, 2004, in the amount of \$159.20 for damage incurred to mailbox as the result of snow removal activity. This claim is under review and is **pending**.

Clinton Palu filed a claim during the month of February, 2004, in the amount of \$200 for reimbursement of expenses incurred for the removal of four feet of snow from his driveway. Claimant alleges the snow was pushed into his driveway by City personnel. This claim is under review and is **pending**.

Darren and Crystal Prouty filed a claim during the month of February, 2004, in the amount of \$14.96 for damage incurred to mailbox as the result of snow removal activity. This claim is under review and is **pending**.

Chris Sheridan filed a claim during the month of February, 2004, in an unspecified amount for damage incurred to mailbox as the result of snow removal activity. This claim is under review and is **pending**.

Rex Mercer filed a claim during the month of February, 2004, in an unspecified amount for damage incurred to mailbox as the result of snow removal activity. This claim is under review and is **pending**.

Karen C. Tadsen filed a claim during the month of February, 2004, in an unspecified amount for damage incurred to mailbox as the result of snow removal activity. This claim is under review and is **pending**.

Mylo R. Bushing filed a claim during the month of February, 2004, in the amount of \$35.00 for damage incurred to mailbox as the result of snow removal activity. This claim is under review and is **pending**.

Patricia Brookhouser filed a claim during the month of February, 2004, in an unspecified amount for damage incurred to mailbox as the result of snow removal activity. This claim is under review and is **pending**.

Mike Creighton filed a claim during the month of February, 2004, in the amount of \$53.00 for reimbursement of tow fee. This claim is under review and is **pending**.

Joann Sturdy filed a claim during the month of February, 2004, in the amount of \$30.01 for damage incurred to mailbox as the result of snow removal activity. This claim is under review and is **pending**.

Chad D. Hartl filed a claim during the month of February, 2004, in the amount of \$4,981.76 for damage incurred to vehicle as the result of an accident involving a snowplow. This claim is under review and is **pending**.

Sandra L. Thompson filed a claim during the month of February, 2004, in the amount of \$1,547.20 for damage incurred to vehicle when it was struck by a Lincoln fire truck. This claim is under review and is **pending**.

Mick and Jane Pierce filed a claim during the month of February, 2004, in the amount of \$48.98 for damage incurred to mailbox as the result of snow removal activity. This claim is under review and is **pending**.

Tanya West filed a claim during the month of February, 2004, in the amount of \$68.82 for damage incurred to mailbox as the result of snow removal activity. This claim is under review and is **pending**.

Troy Karsting filed a claim during the month of February, 2004, in the amount of \$102.94 for damage incurred to mailbox as the result of snow removal activity. This claim is under review and is **pending**.

Eric Reil filed a claim during the month of February, 2004, in the amount of \$1,847.98 for damage incurred to vehicle when it was struck by a snowplow. This claim is under review and is **pending**.

Phyllis M. Moore filed a claim during the month of February, 2004, in the amount of \$149.75 for damage incurred to mailbox as the result of snow removal activity. This claim is under review and is **pending**.

Jenelle Plachy filed a claim during the month of February, 2004, in an unspecified amount for damage incurred to mailbox when Public Works personnel were removing snow from the storm drain which is located near claimant's mailbox. This claim is under review and is **pending**.

Cindy Farley filed a claim during the month of February, 2004, in the amount of \$53.00 for damage incurred to mailbox as the result of snow removal activity. This claim is under review and is **pending**.

Bruce Bottsford filed a claim during the month of February, 2004, in the amount of \$51.35 for damage incurred to mailbox as the result of snow removal activity. This claim is under review and is **pending**.

D. Mark Brown filed a claim during the month of February, 2004, in the amount of \$130.00 for damage incurred to mailbox as the result of snow removal activity. This claim is under review and is **pending**.

Mrs. Doyle Crawford filed a claim during the month of February, 2004, in the amount of \$67.00 for damage incurred to mailbox as the result of snow removal activity. This claim is under review and is **pending**.

Kaye Sasek filed a claim during the month of February, 2004, in the amount of \$85.27 for damage incurred to mailbox as the result of snow removal activity. This claim is under review and is **pending**.

Bonnie Collins filed a claim during the month of February, 2004, in the amount of \$53.47 for damage incurred to mailbox as the result of snow removal activity. This claim is under review and is **pending**.

Gaylen Bartling filed a claim during the month of February, 2004, in the amount of \$2,054.71 for damages incurred to rental property as the result of a sanitary sewer back-up. This claim is under review and is **pending**.

Darrell Pavey Jr. filed a claim during the month of February, 2004, in an unspecified amount for return of vehicle sold at auction. This claim is under review and is **pending**.

Otha Serrell filed a claim during the month of February, 2004, in the amount of \$765.25 for damage incurred to vehicle when it was struck by a snowplow. This claim is under review and is **pending**.

Plaza Mall South filed a claim during the month of February, 2004, in the amount of \$1,164.70 for expenses incurred as the result of a sanitary sewer back-up. This claim is under review and is **pending**.

Benne Linder filed a claim during the month of February, 2004, in the amount of \$22.15 for damage incurred to mailbox as the result of snow removal activity. This claim is under review and is **pending**.

Sarai Bloomquist filed a claim during the month of February, 2004, in the amount of \$53.00 for reimbursement of tow fee. This claim is under review and is **pending**.

Mike Puckett filed a claim during the month of February, 2004, in the amount of \$185.13 alleging that his vehicle was struck by a StarTran bus while it was parked on the street. This claim is under review and is **pending**.

PENDING TORT LITIGATION:

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**.

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**.

Sue and Bill Wilson filed a claim during the month of April, 2002, in an unspecified amount for alleged damages incurred when Sue Wilson tripped on a mat at the Ager Play Center. This claim was reviewed by this office and denial of this claim was approved by the City Council on April 29, 2002. Litigation was filed in the Lancaster County District Court and is **pending**.

Patricia and James Dodson filed a claim during the month of March, 2002, on behalf of their minor daughter, Jean Dodson, who was playing keyboard with her high school pep band at State basketball tournaments at Pershing Auditorium, when she 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 was referred to the insurer for Pershing Auditorium. Claimants withdrew their claim on January 21, 2003. A petition was filed in the Lancaster County District Court on January 30, 2003. Plaintiffs are praying for special damages in the amount of \$29,478.26 for medical expenses incurred to date, future medical expenses, temporary and permanent disability, pain and suffering to date and likely to be suffered in the future and loss of future earning capacity. Litigation is **pending**.

Steven Shelor filed a claim during the month of August, 2002, for alleged injury incurred when claimant was playing catch with a softball in the vicinity of a culvert. This claim was reviewed by this office and denial of this claim was approved by the City Council on September 16, 2002. Counsel for Steven

Shelor filed a petition in the Lancaster County District Court on February 3, 2003, naming the Lincoln Airport Authority and the City of Lincoln as defendants. Plaintiff is praying for special damages in the amount of \$1,270.00 and general damages. Litigation is **pending**.

Sandra Mueller filed a claim during the month of January, 2003, in the amount of \$650,000 for alleged damages incurred as the result of an alleged incident involving a vehicle operated by a Lincoln Electric System employee. Sandra Mueller's husband, **Duane Mueller**, has filed a claim in the amount of \$250,000 for alleged damages incurred as a result of the alleged incident. These claims were referred to counsel for Lincoln Electric System. Counsel for the Muellers filed a petition in the Lancaster County District Court on August 5, 2003. Litigation is **pending**.

Ella Banks Barbee filed a claim during the month of May, 2002, in the amount of \$75,000. Claimant alleges that she was wrongfully arrested. This claim was reviewed by this office and denial of this claim was approved by the City Council on June 17, 2002. Counsel for claimant filed a complaint in the U.S. District Court on September 8, 2003. Litigation is **pending**.

James Blake filed a claim during the month of March, 2002, in the amount of \$10,139.77 for injury incurred when claimant fell into a water meter pit. This claim was reviewed by this office and denial of this claim was approved by the City Council on April 29, 2002. Counsel for claimant has filed suit in the Lancaster County District Court naming Kwik Shop, Inc., Lincoln Lease Partners, and the City of Lincoln as Defendants. Litigation is **pending**.

Elizabeth Tufts filed a claim during the month of October, 2002, in the amount of \$1,000,000 for damages incurred when claimant was a passenger in a police vehicle that was involved in an accident. This claim was reviewed by this office and denial of this claim was approved by the City Council on November 25, 2002. Counsel for claimant filed suit in the Lancaster County District Court on September 26, 2003. Litigation is **pending**.

Leo M. Weiler filed a claim during the month of July, 2003, in the amount of \$150,000. Claimant alleged that Lincoln police officers violated his rights under Neb. Rev. Stat. § 20-152 and the Americans With Disabilities Act. This claim was reviewed by this office and denial of this claim was approved the City Council on September 15, 2003. Claimant filed suit in the Lancaster County District Court on October 15, 2003. Litigation is **pending**.

Nancy K. Carpenter filed a claim during the month of October, 2002, in an unspecified amount for injury allegedly incurred while a passenger on a StarTran bus. This claim was reviewed by this office and denial of this claim was approved by the City Council on November 25, 2002. Counsel for claimant filed suit in the Lancaster County Court on October 23, 2003. Litigation is **pending**.

Leonard Hernoud d/b/a Century Towing filed a claim during the month of December, 1998, in the amount of \$4,590.00 for alleged damages resulting from an incident wherein claimant alleges he was instructed by Lincoln police to release a vehicle to an individual without payment of towing and storage charges. This claim was reviewed by this office and denial of the claim was approved by the City Council on July 12, 1999. Counsel for claimant filed a petition in the Lancaster County Court on July 27, 1999. The case was dismissed by the County Court for lack of prosecution on April 5, 2000. Counsel for claimant refiled a petition in the Lancaster County Court on March 25, 2002, captioned Leonard Hernoud II v. Officer Kocian #940. Pursuant to Defendant's motion for summary judgment, the County Court found that the Defendant in this case (Officer Kocian) is immune from being sued for damages and that the statute of limitations has run. Counsel for Plaintiff filed a notice of appeal to the District Court on July 1, 2003. On November 20, 2003, the District Court affirmed the judgment of the

County Court in favor of Defendant, Officer Kocian. The case has now been appealed to the Nebraska Court of Appeals. Litigation is **pending**.

Lawrence Tomsyck filed a claim during the month of October, 2003, in the amount of \$4,763.77 for damage incurred to his vehicle as the result of an accident involving a StarTran bus. This claim was reviewed by this office and denial of this claim was approved by the City Council on November 24, 2003. Counsel for claimant filed suit in the Lancaster County Court on January 28, 2004. Litigation is **pending**.

Jeffrey Meyers filed a claim during the month of July, 2003, in the amount of \$113,121.20 for damages incurred when the tire of the bicycle he was riding fell into a crevice in the street ejecting him from the bicycle. This claim was reviewed by this office and denial of this claim was approved by the City Council on October 27, 2003. Counsel for claimant filed suit in the Lancaster County District Court on January 27, 2004. Litigation is **pending**.

Respectfully submitted,

James D. Faimon
Assistant City Attorney

JDF/skb
c: Risk Management