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**LINCOLN**  
 The Community of Opportunity

MAYOR COLEEN J. SENG

lincoln.ne.gov

February 16, 2006

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

RE: Report of Claims Against the City of Lincoln for February 1 through February 15, 2006

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 1 through February 15, 2006. This report will describe the claims and the dispositions or status of these claims.

**ALLOWED/SETTLED CLAIMS:**

**Maria Arellano** filed a claim during the month of June, 2005, in the amount of \$660.24 for damage allegedly incurred to her vehicle as the result of an accident involving a City vehicle. This claim has been reviewed by this office and has been **settled** in the amount of \$360.00.

**Jim Schrier and Pat Schrier** filed a claim during the month of November, 2005, in the amount of \$980.26 for expense incurred for repair of water service. Claimants allege that reconnection of water service was improperly installed during South Street paving project in 2003. This claim has been reviewed by this office and has been **settled** in the amount of \$500.00.

**Rachel Petersen** filed a claim during the month of December, 2005, in the amount of \$1,522.41 for damage incurred to her vehicle as the result of an accident involving a Lincoln police vehicle. This claim has been reviewed by this office and has been **allowed** in the amount of \$1,522.41.

**James Christo** filed a claim during the month of November, 2005, in the amount of \$63.13 for expense incurred when Wastewater was performing routine maintenance on sewer line in vicinity of rental property. This claim has been reviewed by this office and has been **allowed** in the amount of \$63.13.

**Jacqueline J. Berg** filed a claim during the month of February, 2006, in the amount of \$1,251.70 for damage incurred to her vehicle when it was struck by a Parks & Recreation vehicle. This claim has been **settled** by the Risk Management Office in the amount of \$1,251.70.

**Sara Stodola** filed a claim during the month of February, 2006, in the amount of \$1,351.39 for damage incurred to her vehicle as the result of an accident involving a street sweeper. This claim has been **settled** by the Risk Management Office in the amount of \$1,351.39.

**DENIED CLAIMS:**

**Ettamae Branstetter** filed a claim during the month of July, 2005, in an unspecified amount for injury incurred when the automated door at the Easley Library struck her causing her to fall. This claim has been reviewed by this office and has been **denied**.

**St. Paul Travelers (File No. 043-CB-ACN4741-K)** filed a subrogation claim during the month of November, 2005, in an unspecified amount for workers' compensation benefits paid on behalf of Rachel Petersen who was injured in a motor vehicle accident involving a Lincoln police vehicle. This claim has been reviewed by this office and has been **denied**.

**WITHDRAWN CLAIMS:**

**Troy Stonacek and Shari Stonacek** filed a claim during the month of July, 2005, in an unspecified amount for alleged damages incurred due to alleged failure to provide claimants with proper base flood elevations prior to construction of claimants' home. This claim has been **withdrawn**.

**George Bristol and Lori Bristol** filed a claim during the month of July, 2005, in an unspecified amount for alleged damages incurred due to alleged failure to provide claimants with proper base flood elevations prior to construction of claimants' home. This claim has been **withdrawn**.

**Thomas Banderas and Amy Banderas** filed a claim during the month of July, 2005, in an unspecified amount for alleged damages incurred due to alleged failure to provide claimants with proper base flood elevations prior to construction of claimants' home. This claim has been **withdrawn**.

**Bradley Sheaff and Jennifer Sheaff** filed a claim during the month of July, 2005, in an unspecified amount for alleged damages incurred due to alleged failure to provide claimants with proper base flood elevations prior to construction of claimants' home. This claim has been **withdrawn**.

**PENDING CLAIMS:**

**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 vehicle driven by Tammy Scholl and a Lincoln police vehicle. **Tammy J. Scholl** filed a claim during the month of August, 2004, in an unspecified amount for injuries incurred as the result of the accident with the police vehicle. These claims are under review and **pending**.

**Fred Fleming** filed a claim during the month of September, 2004, in an unspecified amount for damage incurred to his driveway as the result of a water main break. This claim is under review and is **pending**.

**Brainard HVAC, Inc.** filed a claim during the month of January, 2005, for damages incurred as the result of an accident involving a StarTran bus. The property damage portion of this claim has been **settled** in the amount of \$20,500. The injury portion of this claim is **pending**.

**Richard Kister** filed a claim during the month of August, 2005, in an unspecified amount for damages incurred as the result of an accident involving a StarTran bus. This claim is under review and is **pending**.

**American Family Insurance Group (Claim No. 00-071-423264-0422/Shannon Johnson, Insured)** filed a subrogation claim during the month of August, 2005, in an unspecified amount for damages incurred as the result of an accident involving insured's vehicle and a Lincoln police vehicle. This claim is under review and is **pending**.

**Thomas Beran and Carol Beran, husband and wife, individually, and as natural guardians and next friend of Brady Beran,** filed a claim during the month of September, 2005, in an unspecified amount. Claimants allege that as a result of acts and omissions of the City, injuries that Brady Beran incurred during a high school football game were not promptly treated and that the delayed treatment caused exacerbated injuries. This claim is under review and is **pending**.

**Charles Teeters and Kristina Teeters** filed a claim during the month of October, 2005, for damages incurred as the result of an accident involving a StarTran bus. The property damage claim was settled by the Risk Management Office in the amount of \$2,879.16. The personal injury portion of this claim is **pending**.

**Lillian Irene Gembler** filed a claim during the month of November, 2005, in the amount of \$4,355,000 for injuries incurred when claimant was struck by a vehicle as she was walking in the crosswalk at 11<sup>th</sup> & "O" Street. The vehicle that struck claimant is owned by the City of Lincoln and was being driven by an employee of the Downtown Lincoln Association. This claim is under review and is **pending**.

**Paul Marshall and Larry Brown** filed a claim during the month of November, 2005, in the amount of \$862.50 for water damage incurred as the result of a North 48<sup>th</sup> Street improvement project. This claim is under review and is **pending**.

**Magdalena Krynsky** filed a claim during the month of November, 2005, in the amount of \$126.43 for damage incurred to sprinkler system, plants, and flowers as the result of a street repair project. This claim is under review and is **pending**.

**Janet Hiemer** filed a claim during the month of December, 2005, in the amount of \$12,535.94 for injury incurred at Que Place Garage. This claim is under review and is **pending**.

**Brenda Pick** filed a claim during the month of January, 2006, in an unspecified amount for damages incurred as the result of a motor vehicle accident involving a Public Works vehicle. **Progressive Insurance Co.** filed a subrogation claim during the month of January, 2006, in an unspecified amount for medical payments made on behalf of their insured, Brenda Pick, as a result of the motor vehicle accident. These claims are under review and are **pending**.

**Allied Insurance (Claim No. 26E57779/Gail Folda, Insured)** filed a subrogation claim during the month of January, 2006, in the amount of \$2,085.89 for damage allegedly incurred to Insured's vehicle when it was struck by a City snowplow. This claim is under review and is **pending**.

**Timberline LLC** filed a claim during the month of January, 2006, in the amount of \$10,411.18 for damage incurred to rental property as the result of a sanitary sewer back-up. This claim is under review and is **pending**.

**Mary R. Cota** filed a claim during the month of January, 2006, in an unspecified amount for injury allegedly incurred when she fell on a StarTran bus. This claim is under review and is **pending**.

**Lavelle Hansen** filed a claim during the month of January, 2006, in the amount of \$7,546.75 for damages incurred as the result of a sanitary sewer back-up. This claim is under review and is **pending**.

**Neal Barkley and Nancy Barkley** filed a claim during the month of January, 2006, in the amount of \$12,683.02 for damages incurred as the result of a sanitary sewer back-up. This claim is under review and is **pending**.

**Zach Shefferd** filed a claim during the month of January, 2006, in the amount of \$27,563.95 for damages incurred as the result of a sanitary sewer back-up. This claim is under review and is **pending**.

**Laura McNemar** filed a claim during the month of January, 2006, in an unspecified amount for damages incurred as the result of a sanitary sewer back-up. This claim is under review and is **pending**.

**Galen Miller and Leisa Miller** filed a claim during the month of January, 2006, in an unspecified amount for damages incurred as the result of a sanitary sewer back-up. This claim is under review and is **pending**.

**James Peterson and Susan Peterson** filed a claim during the month of February, 2006, in an unspecified amount for damage allegedly incurred to water stop box during a sidewalk repair project. This claim is under review and is **pending**.

**Margaret Elley** filed a claim during the month of February, 2006, in the amount of \$80.65 for expense incurred as the result of a sanitary sewer back-up. This claim is under review and is **pending**.

**Joni Day** filed a claim during the month of February, 2006, in the amount of \$4,384.97 for damages incurred as the result of a sanitary sewer back-up. This claim is under review and is **pending**.

**Tom Slocum and Cindy Slocum** filed a claim during the month of February, 2006, in the amount of \$955.51 for damages incurred as the result of a sanitary sewer back-up. This claim is under review and is **pending**.

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

**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. A suit was filed in the Lancaster County District Court on August 5, 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. A suit was filed in the Lancaster County District Court naming Kwik Shop, Inc., Lincoln Lease Partners, and the City of Lincoln as Defendants. Litigation is **pending**.

**Suzanne Cain** filed a claim during the month of July, 2003, in the amount of \$500,000 for injury allegedly incurred as the result of a trip and fall on sidewalk. This claim was reviewed by this office and denial of this claim was approved by the City Council on February 2, 2004. **American International Recovery, Inc. (Omni Behavioral Health, Insured)** filed a subrogation claim during the month of April, 2003, for workers compensation benefits paid on behalf of the insured's employee, Suzanne Cain, as a result of her trip and fall accident. This claim was reviewed by this office and denial of this claim was approved by the City Council on February 23, 2004. A suit was filed in the Lancaster County District Court on March 10, 2004, naming Gold's Limited Partnership and City of Lincoln, Nebraska as Defendants and Omni Behavioral Health, Inc. and American International Recovery, Inc. as Third-Party Defendants. Litigation is **pending**.

**Neil Kringle 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 was reviewed by this office and denial of this claim was approved by the City Council on May 12, 2003. A suit was filed in the Lancaster County District Court on March 12, 2004. Litigation is **pending**.

**Barbara Poppe and Arthur Poppe** filed a claim during the month of November, 2003, in the amount of \$1,000,000 in connection with the death of their daughter, Heather Poppe, as the result of a motor vehicle

accident involving a vehicle that was driven by a Robin Siefker. Claimants allege that Lincoln police had been notified that Mr. Siefker was likely to be a danger to himself or others, and therefore, claimants allege that Mr. Siefker should have been in police custody at the time of the accident. This claim was reviewed by this office and denial of this claim was approved by the City Council on December 5, 2003. A suit was filed in the Lancaster County District Court on November 24, 2004. On February 14, 2005, the Court sustained the City of Lincoln's motion to dismiss. Plaintiff has appealed. Litigation is **pending**.

**Allied Insurance (Claim No. 26E29478/Allan Albers, Insured)** filed a claim during the month of March, 2004, in the amount of \$1,685.50 for damage incurred to insured's vehicle as the result of an accident involving a City street sweeper. This claim was reviewed by this office and denial of this claim was approved by the City Council on December 6, 2004. A suit was filed in the Lancaster County Court on February 28, 2005. Litigation is **pending**.

**Donna Lilly and Michael Lilly** filed a claim during the month of September, 2004, against the City of Lincoln, Lancaster County, and the Public Building Commission in the amount of \$1,000,000 for alleged damages incurred as the result of injuries Donna Lilly sustained when she allegedly slipped and fell on the steps of the County/City Building, which claimant alleges were ice and snow-covered. The claim against the City of Lincoln was reviewed by this office and denial was approved by the City Council on September 27, 2004. A suit was filed in the Lancaster County District Court on March 23, 2005, naming the Public Building Commission, Lancaster County, and the City of Lincoln as Defendants. Plaintiffs are seeking special damages in the amount of \$34,000 and general damages. Litigation is **pending**.

**Roberto Mancilla, Rubia Menendez, and David Mancilla Menendez** filed a claim during the month of May, 2004, in an unspecified amount for damages incurred as the result of a motor vehicle accident involving a Lincoln police vehicle. A suit was filed in the Lancaster County District Court on April 28, 2005, naming Lincoln Police Officer Champoux and the City of Lincoln as Defendants. Plaintiffs are seeking special damages in the amount of \$21,872.55, future medical expenses, and general damages for pain and suffering. Litigation is **pending**.

**Fleet Systems, Inc./William F. Dugan** filed a claim during the month of September, 2004, in the amount of \$1,705.65 for damage incurred to 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 October 11, 2004. A suit was filed in the Lancaster County Court on May 23, 2005. Litigation is **pending**.

**Kim Roehrs-Lary** filed a claim during the month of January, 2005, in the amount of \$100,000 for injury incurred when claimant allegedly fell in a hole located in alley behind Bethany Christian Church. A suit was filed in the Lancaster County District Court on September 7, 2005, naming the City of Lincoln and Bethany Christian Church as Defendants. Litigation is **pending**.

**Janice Coleman** filed a claim during the month of March, 2004, in the amount of \$25,000 for alleged damages incurred 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 April 12, 2004. A suit was filed in the Lancaster County Court on July 13, 2005. Summons was received in the City Law Department on November 10, 2005. Litigation is **pending**.

**Ashley S. Chaves** filed a claim during the month of September, 2005, in an unspecified amount for damages incurred as the result of an accident involving a Lincoln fire truck. This claim was reviewed by this office and denial of this claim was approved by the City Council on October 17, 2005. A suit was filed in the Lancaster County Court on December 13, 2005, naming the City of Lincoln and Kenton P. Schuster as Defendants. Litigation is **pending**.

**Timothy Meints** filed a claim during the month of July, 2005, in an unspecified amount for alleged injuries and damages incurred when claimant was allegedly falsely detained and subjected to an assault and battery by Lincoln police. This claim was reviewed by this office and denial of this claim was approved by the City Council on September 19, 2005. A Complaint was filed in the Lancaster County Court on January 5, 2006, naming the City of Lincoln, Lincoln Police Department, and several Lincoln police officers as defendants. Litigation is **pending**.

Respectfully submitted,

James D. Faimon  
Assistant City Attorney

JDF/skb  
c: Risk Management