

Exhibit "A"

April 3, 2006

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

RE: Report of Claims Against the City of Lincoln for March 16 through March 31, 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 March 16 through March 31, 2006. This report will describe the claims and the dispositions or status of these claims.

ALLOWED/SETTLED CLAIMS:

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 has been reviewed by this office and has been **allowed** in the amount of \$80.65.

Tracy E. Brantner filed a claim during the month of March, 2006, in the amount of \$2,178.98 or damage incurred to vehicle as the result of an accident involving a Public Works vehicle. This claim has been **settled** by the Risk Management Office in the amount of \$2,178.98.

Melvin D. Parke filed a claim during the month of March, 2006, in the amount of \$151.20 for expense incurred as the result of a sanitary sewer back-up. This claim has been reviewed by this office and has been **allowed** in the amount of \$151.20.

Donald Eaker filed a claim during the month of March, 2006, in the amount of \$567.12 for damage incurred to vehicle as the result of an accident involving a City Senior Foundation van. This claim has been **settled** by the Risk Management Office in the amount of \$300.

Misty's Restaurant filed a claim during the month of March, 2006, in the amount of \$117.70 for reimbursement of tow fees. This claim has been reviewed by this office and has been **allowed** in the amount of \$117.70.

DENIED CLAIMS:

Paul Marshall filed a claim during the month of November, 2005, in the amount of \$362.50 for water damage incurred as the result of a North 48th Street improvement project. This claim has been reviewed by this office and has been **denied**.

Larry Brown filed a claim during the month of November, 2005, in the amount of \$500 for water damage incurred as the result of a North 48th Street improvement project. This claim has been reviewed by this office and has been **denied**.

Jason York and Andrea York filed a claim during the month of March, 2006, in the amount of \$1,473.30 for damage incurred to vehicle when allegedly struck by gravel thrown from a passing City truck. This claim has been reviewed by this office and has been **denied**.

Nickolay Vlasyuk filed a claim during the month of March, 2006, in the amount of \$2,569.10 for damage incurred to sewer service line during a water main installation project . This claim has been referred to the contractor for the water main project, and therefore, the claim against the City of Lincoln has been **denied**.

Grace M. Miller filed a claim during the month of March, 2006, in an unspecified amount for damage incurred to door of her residence as the result of emergency action by Fire personnel. This claim has been reviewed by this office and has been **denied**.

Nancy Gillett filed a claim during the month of March, 2006, in the amount of \$100 for damage incurred to mailbox as the result of snow removal activity. This claim has been reviewed by this office and has been **denied**.

Harvey Schroeder filed a claim during the month of March, 2006, in the amount of \$100 for damage incurred to mailbox as the result of snow removal activity. This claim has been reviewed by this office and has been **denied**.

Progressive Insurance (Claim No. 067537022/Andrew Wilke, Insured) filed a subrogation claim during the month of March, 2006, in the amount of \$1,764.72 for damage incurred to insured's vehicle when struck by a tree branch that fell from a City tree after it was struck by a garbage truck. This claim has been reviewed by this office and has been **denied**.

Barry Masten filed a claim during the month of March, 2006, in the amount of \$170 for damage incurred to mailbox as the result of snow removal activity. This claim has been reviewed by this office and has been **denied**.

William Ebers and Cheryl Ebers filed a claim during the month of March, 2006, in the amount of \$100 for damage incurred to mailbox as the result of snow removal activity. This claim has been reviewed by this office and has been **denied**.

Bonnie L. Brown filed a claim during the month of March, 2006, in the amount of \$68.23 for damage incurred to mailbox as the result of snow removal activity. This claim has been reviewed by this office and has been **denied**.

Martin Caffrey filed a claim during the month of March, 2006, in the amount of \$50 for damage incurred to mailbox as the result of snow removal activity. This claim has been reviewed by this office and has been **denied**.

Barbara Giles filed a claim during the month of March, 2006, in the amount of \$79.74 for damage incurred to mailbox as the result of snow removal activity. This claim has been reviewed by this office and has been **denied**.

Edward Neville filed a claim during the month of March, 2006, in the amount of \$880.24 for damage incurred to vehicle as the result of striking a pile of plowed snow/ice on Highway 2. This claim has been reviewed by this office and has been **denied**.

SETTLED LITIGATION:

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, the City of Lincoln, and O'Hare Enterprises as Defendants. This case has been **settled** in the amount of \$3,000. The City of Lincoln's portion of the settlement is \$1,000.

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**.

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 Gemblar 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 11th & "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**.

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**.

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**.

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**.

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**.

Lyndsey Roggow filed a claim during the month of February, 2006, in the amount of \$749.12 for damage incurred to vehicle as the result of an accident involving a Public Works vehicle. This claim is under review and is **pending**.

Molly Beckman filed a claim during the month of February, 2006, in an unspecified amount for injury allegedly incurred while she was a passenger on an Aging van. This claim is under review and is **pending**.

Hollis W. Anderson filed a claim during the month of February, 2006, in the amount of \$11,190.73 for injury and damage incurred to his bicycle when claimant was thrown from his bicycle as the result of an alleged defect in the street. This claim is under review and is **pending**.

Linda N. Brown filed a claim during the month of February, 2006, in the amount of \$196,879.59 for injury allegedly incurred as the result of a fall on sidewalk. This claim is under review and is **pending**.

Gene Van Ackeren filed a claim during the month of March, 2006, 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**.

Azim Ebrahim filed a claim during the month of March, 2006, in an unspecified amount for injury incurred when claimant allegedly slipped on ice at the parking lot at 427 South 10th Street. This claim has been referred to the insurance carrier for processing.

Farm Bureau Insurance (Claim No. 8000066294/Jack & Elizabeth Peterson, Insured) filed a subrogation claim during the month of March, 2006, in the amount of \$7,121.44 for damages incurred as the result of a sanitary sewer back-up at insured's residence. This claim is under review and is **pending**.

Margaret Stones filed a claim during the month of March, 2006, in an unspecified amount for damage incurred to mailbox as the result of snow removal activity. This claim is under review and is **pending**.

Gene Retzlaff filed a claim during the month of March, 2006, in the amount of \$75.00 for damage incurred to mailbox as the result of snow removal activity. This claim is under review and is **pending**.

Kristi Briscoe filed a claim during the month of March, 2006, 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**.

Lynn Schafer filed a claim during the month of March, 2006, in an unspecified amount for damage incurred to driveway as the result of snow removal activity. This claim is under review and is **pending**.

John Kreifels filed a claim during the month of March, 2006, in the amount of \$341.74 for expense incurred as the result of a sanitary sewer back-up. This claim is under review and is **pending**.

Terry Valcan filed a claim during the month of March, 2006, in the amount of \$2,263.28 for damage incurred to vehicle as the result of an accident involving a StarTran bus. This claim is under review and is **pending**.

Alesia Stokes filed a claim during the month of March, 2006, in the amount of \$52.38 for damage incurred to mailbox as the result of snow removal activity. This claim is under review and is **pending**.

Virginia James filed a claim during the month of March, 2006, in an unspecified amount for damage incurred to sprinkler head as the result of snow removal activity. This claim is under review and is **pending**.

Ethel M. Strough filed a claim during the month of March, 2006, in an unspecified amount for damage incurred to sod as the result of snow removal activity. This claim is under review and is **pending**.

Kim Warren filed a claim during the month of March, 2006, in the amount of \$48.95 for damage incurred to mailbox as the result of snow removal activity. 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**.

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. On February 22, 2006, the City of Lincoln and Lancaster County were **dismissed** from the suit. The only remaining defendant is the Public Building Commission.

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