

## Exhibit "A"

April 16, 2007

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

RE: Report of Claims Against the City of Lincoln for April 1 through April 15, 2007

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 April 1 through April 15, 2007. This report will describe the claims and the dispositions or status of these claims.

### **ALLOWED/SETTLED CLAIMS:**

**Joseph Kowalski and Heather Kowalski** filed a claim during the month of March, 2007, in the amount of \$190.00 for damage incurred to mailbox as the result of snow removal activity. This claim has been reviewed by this office and has been **settled** in the amount of \$85.00.

**John Degner and Janice Degner** filed a claim during the month of March, 2007, in the amount of \$13,713.12 for damage 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 \$10,750.00.

**Jim Ferrell and Sandy Ferrell** filed a claim during the month of March, 2007, in the amount of \$12,722.81 for damage 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 \$10,577.40.

**Martha Lee Heyne** filed a claim during the month of March, 2007, in the amount of \$1,802.22 for damage incurred to vehicle when it was struck by a City snowplow. This claim has been reviewed by this office and has been **allowed** in the amount of \$1,802.22.

**Bob Olinger** filed a claim during the month of March, 2007, in an unspecified amount for damage incurred to vehicle when a reported stolen vehicle which was being pursued by Lincoln Police struck claimant's vehicle. This claim has been **settled** by the Risk Management Office in the amount of \$5,778.00.

**Michael Lagueux** filed a claim during the month of April, 2007, in the amount of \$629.60 for damage incurred to vehicle when it was struck by a Lincoln Police vehicle. This claim has been reviewed by this office and has been **allowed** in the amount of \$626.60.

**Pearl Hepburn** filed a claim during the month of April, 2007, in the amount of \$199.87 for rental car expenses incurred as the result of an accident involving a Park & Recreation vehicle. **State Farm Insurance (Claim No. 27-7761-297-BLM)** filed a subrogation claim during the month of April, 2007, in the amount of \$2,089.16 for vehicle repair expenses incurred as a result of the accident. The claim of Pearl Hepburn has been **allowed** in the amount of \$199.87 and the subrogation claim of State Farm Insurance has been **allowed** in the amount of \$2,089.16.

**DENIED CLAIMS:**

**Darlene L. Renn** filed a claim during the month of March, 2007, in an unspecified amount for damage allegedly incurred to sod as the result of snow removal activity. This claim has been reviewed by this office and has been **denied**.

**Joseph Sahiouni** filed a claim during the month of March, 2007, in an unspecified amount for damage allegedly incurred to mailbox as the result of snow removal activity. This claim has been reviewed by this office and has been **denied**.

**Commercial Investment Properties** filed a claim during the month of March, 2007, in the amount of \$2,394.70 for expense incurred to repair sewer line which was allegedly damaged during construction at 5505 "O" Street. This claim has been referred to the plumbing contractor of the construction site. Therefore, the claim against the City of Lincoln has been **denied**.

**Nick Burnham** filed a claim during the month of March, 2007, in the amount of \$48.00 for damage allegedly incurred to mailbox as the result of snow removal activity. This claim has been reviewed by this office and has been **denied**.

**Joyce Pardee** filed a claim during the month of March, 2007, in an unspecified amount for damage allegedly incurred to sod as the result of snow removal activity. This claim has been reviewed by this office and has been **denied**.

**Marc Davis** filed a claim during the month of April, 2007, in the amount of \$220.51 for alleged damage incurred as the result of a water main break. This claim has been reviewed by this office and has been **denied**.

**Noreen Malone** filed a claim during the month of April, 2007, in the amount of \$95.00 for damage allegedly incurred to sod and sprinkler system as the result of snow removal activity. This claim has been referred to the contractor assigned to the area. Accordingly, the claim has been reviewed by this office and has been **denied**.

**Lois Pasco on behalf of Richard Pasco** filed a claim during the month of April, 2007, in the amount of \$560.14 for damage allegedly incurred to door of rental property when Lincoln Police were attempting to arrest an individual who was hiding inside the property owned by Richard Pasco. This claim has been reviewed by this office and has been **denied**.

**Roger L. Gamble** filed a claim during the month of April, 2007, in the amount of \$125.00 for alleged damage incurred to door when Lincoln Police were required to take emergency action in response to a check welfare. This claim has been reviewed by this office and has been **denied**.

**Dani Lazarov** filed a claim during the month of April, 2007, in the amount of \$366.38 for damage incurred to her vehicle when Lincoln Fire & Rescue personnel were assisting an intoxicated person who was leaning against claimant's vehicle allegedly causing damage. This claim has been reviewed by this office and has been **denied**.

**CLOSED:**

**Jennifer Safley** filed a claim during the month of February, 2007, in an unspecified amount for damage incurred to vehicle when it was allegedly struck by a snowplow. Claimant has not responded to a request for additional information, therefore it is assumed that the claim has been withdrawn and the file is being **closed**.

**PENDING CLAIMS:**

**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**. **Motor Club Insurance Association (Claim No. 040951/Charles Teeters, Insured)** has filed a subrogation claim in the amount of \$3,635.60 for payment of medical expenses incurred as a result of the accident involving insured and the StarTran bus. 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 10<sup>th</sup> Street. This claim has been referred to the insurance carrier for processing and is **pending**.

**Arlene Brubaker** filed a claim during the month of April, 2006, in an unspecified amount for injury incurred while claimant was a passenger on a StarTran handivan. This claim is under review and is **pending**.

**Bill Crawford** filed a claim during the month of May, 2006, in an unspecified amount for injury incurred when claimant's wheelchair tipped over while he was a passenger on a StarTran handivan. This claim is under review and is **pending**.

**Michael Schmit and Kendra Schmit** filed a claim during the month of October, 2006, in the amount of \$2,857.81 for damage incurred as the result of a sanitary sewer back-up. This claim is under review and is **pending**.

**Jacqueline Quidato** filed a claim during the month of November, 2006, for damage to vehicle and alleged injury incurred as the result of an accident involving a Public Works vehicle. The property damage claim has been settled by the Risk Management Office in the amount of \$2,080.00. The personal injury claim remains **pending**.

**Susan Chocholousek** filed a claim during the month of December, 2006, in an unspecified amount for alleged injury incurred when claimant was a passenger on a StarTran bus. This claim is under review and is **pending**.

**Rolland D. Piel Sr.** filed a claim during the month of January, 2007, in the amount of \$585.91 for damage incurred to vehicle when struck by a police vehicle. This claim is under review and is **pending**.

**Acuity (Claim No. LE9432/Millard Lumber, Insured)** filed a subrogation claim during the month of January, 2007, in the amount of \$8,724.31 for damage incurred to insured's vehicle as the result of an accident involving a Public Works vehicle. This claim is under review and is **pending**.

**Ann Geary** filed a claim during the month of January, 2007, in an unspecified amount alleging that she was struck by ice and snow from a snow plow as she was walking on sidewalk. This claim is under review and is **pending**.

**Jeffrey Harris** filed a claim during the month of January, 2007, in the amount of \$900,000 for injury incurred when manhole cover allegedly flipped up and struck claimant. This claim is under review and is **pending**.

**Anisha Townsend** filed a claim during the month of January, 2007, in an unspecified amount for injury and damage incurred to vehicle as the result of an accident involving a StarTran bus. This claim is under review and is **pending**.

**University of Nebraska-Hewitt Place Galleries** filed a claim during the month of February, 2007, in the amount of \$100,000-\$150,000 for damage incurred when water flooded the Galleries from loose or uncapped

water pipes in the Que Place Parking Garage when Lincoln firefighters responded to a car fire at the parking garage. This claim is under review and is **pending**.

**State Farm Insurance (Claim No. 27-7759-422/Michel Mason, Insured)** filed a subrogation claim during the month of February, 2007, as the result of an accident involving its insured and a City snowplow. This claim is under review and is **pending**.

**Rick Meyer** filed a claim during the month of February, 2007, for alleged damages arising from an incident involving the failure of Animal Control to return a cat to him. This claim is **pending**.

**Friday Vi-Ura and Love Vi-Ura** filed a claim during the month of March, 2007, in the amount of \$52,700.00 for damage to vehicle and alleged injury incurred as the result of an accident involving a police vehicle. The property damage claim has been settled in the amount of \$2,000. The personal injury claim remains **pending**.

**Karrie L. Licklitter** filed a claim during the month of March, 2007, in the amount of \$223.90 for damage incurred to vehicle when it was struck by a Police vehicle. This claim is under review and is **pending**.

**Tod Davenport and Christina Davenport** filed a claim during the month of March, 2007, in an unspecified amount for damage incurred as the result of a sanitary sewer back-up. This claim is under review and is **pending**.

**John Orwen and Gladys Buss** filed a claim during the month of March, 2007, in the amount of \$2,429.28 for damage incurred as the result of a sanitary sewer back-up. This claim is under review and is **pending**.

**Joseph Borkowski and Betty Borkowski** filed a claim during the month of March, 2007, in the amount of \$195.39 for damage incurred as the result of a sanitary sewer back-up. This claim is under review and is **pending**.

**Erin Adams** filed a claim during the month of March, 2007, in the amount of \$500 for damage allegedly incurred to vehicle when it was struck by debris at a street repair site. This claim is under review and is **pending**.

**Adam Lenzen** filed a claim during the month of April, 2007, in an unspecified amount for damage allegedly incurred to sod and sprinkler system as the result of snow removal activity. This claim is under review and is **pending**.

**CLC Trucking** filed a claim during the month of April, 2007, in the amount of \$4,025.32 for alleged damages incurred as the result of an accident involving a StarTran bus. This claim is under review and is **pending**.

**Rita Helms** filed a claim during the month of April, 2007, in an unspecified amount for damage allegedly incurred to property as the result of a water main break. This claim is under review and is **pending**.

**Ann Percival** filed a claim during the month of April, 2007, in the amount of \$165.00 for damage allegedly incurred to mailbox during a City sewer main repair project. This claim is under review and is **pending**.

**Norm Johnston** filed a claim during the month of April, 2007, in the amount of \$240.51 for alleged damage incurred to rental property as the result of a leaking water meter. This claim is under review and is **pending**.

**Karen Jaques** filed a claim during the month of April, 2007, in an unspecified amount for damage incurred to garage when an individual who was operating a stolen vehicle crashed into it while being pursued by Lincoln Police. This claim is under review and is **pending**.

**Bill Stutzman** filed a claim during the month of April, 2007, in the amount of \$145.61 for damage allegedly incurred to sprinkler system as the result of snow removal activity. This claim is under review and is **pending**.

**Barbara Lemon and Louis Lemon** filed a claim during the month of April, 2007, in an unspecified amount for damage allegedly incurred to sod as the result of snow removal activity. This claim is under review and is **pending**.

**Nancy Mattox** filed a claim during the month of April, 2007, in the amount of \$1,257.53 for damage incurred to vehicle as the result of an accident involving a Public Works vehicle. This claim is under review and is **pending**.

#### **PENDING TORT 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. Plaintiff's counsel has withdrawn from the case and Plaintiff has until November 27, 2006, to acquire new counsel. Litigation is **pending**.

**Ettamae Branstetter** filed a claim during the month of July, 2005, in an unspecified amount for injury incurred when the automated door at the Eislely Library struck the claimant as she was exiting the Library causing her to fall. Claimant was a volunteer at the Library. This claim was reviewed by this office and denial of this claim was approved by the City Council on March 6, 2006. A Complaint was filed in the Lancaster County District Court on April 19, 2006. Litigation is **pending**.

**Troy Stonacek and Shari Stonacek, Bradley Sheaff and Jennifer Sheaff, George Bristol and Lori Bristol** filed claims during the month of July, 2005, for alleged damages incurred as the result of alleged failure to provide claimants with proper base flood elevations prior to construction of claimants' homes. These claims were withdrawn on February 3, 2006, and claimants have filed suit in the Lancaster County District Court naming Home Real Estate, Merle Jahde, LPT, Inc., Lyle Loth, and the City of Lincoln as defendants. Litigation is **pending**.

**Beri Hershberger** filed a claim during the month of May, 2005, in the amount of \$7,175.35 for damages incurred as the result of a motor vehicle 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 June 6, 2005. A Complaint was filed in the Lancaster County Court on May 25, 2006. Litigation is **pending**.

**Allied Insurance (Claim No. 26E60638/Julie Chilcott, Insured)** filed a claim during the month of April, 2006, in the amount of \$3,192.88 for damage incurred to insured's 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 June 26, 2006. A suit was filed in the Lancaster County Court on August 8, 2006. Litigation is **pending**.

**Shannon Johnson** 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 police vehicle. This claim was withdrawn by counsel for claimant on August 2, 2006, and suit was filed in the Lancaster County Court on August 3, 2006. Litigation 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, alleging 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 was withdrawn by counsel for claimants on September 18, 2006, and suit was filed in the Lancaster County District Court on September 22, 2006. Litigation is **pending**.

**Jeremy A. Walburn** filed a claim during the month of April, 2006, in an unspecified amount for damages incurred as the result of an accident involving a street sweeper. This claim was reviewed by this office and denial of this claim was approved by the City Council on July 17, 2006. A suit was filed in the Lancaster County Court on October 26, 2006. Litigation is **pending**.

**Kevin Boyce** filed a claim during the month of April, 2006, in an unspecified amount for injury incurred as the result of a fall on sidewalk. This claim was reviewed by this office and denial of this claim was approved by the City Council on May 15, 2006. A suit was filed in the Lancaster County Court on November 9, 2006. Litigation is **pending**.

**Michael Brainard** filed a claim in the amount of \$300,000 for injury incurred as the result of an accident involving a StarTran bus. Denial of this claim was approved by the City Council on August 14, 2006. A suit was filed in the Lancaster County District Court on November 16, 2006. Litigation is **pending**.

**Tammy J. Scholl** filed a claim during the month of August, 2004, for damages incurred as the result of a motor vehicle accident involving a Lincoln police vehicle. Demand was made by claimant in the amount of \$1,000,000. Denial of this claim was approved by the City Council on July 17, 2006. A suit was filed in the Lancaster County District Court on November 15, 2006. Litigation is **pending**.

**Yaroslav Krasivsky** filed suit in the Lancaster County Court on March 26, 2007, for damage incurred to vehicle as the result of an accident involving a City vehicle. Litigation is **pending**.

**Distribution, Inc.** filed a claim during the month of August, 2006, in the amount of \$22,154.44 for charges billed for water service and the attempted abandonment of an unused water line. This claim was reviewed by this office and denial of this claim was approved by the City Council on September 18, 2006. A suit was filed in the Lancaster County District Court on April 3, 2007. Litigation is **pending**.

Respectfully submitted,

James D. Faimon  
Assistant City Attorney

JDF/skb  
c: Risk Management