

Exhibit "A"

May 1, 2007

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

RE: Report of Claims Against the City of Lincoln for April 16 through April 30, 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 16 through April 30, 2007. This report will describe the claims and the dispositions or status of these claims.

ALLOWED/SETTLED CLAIMS:

Tod Davenport and Christina Davenport filed a claim during the month of March, 2007, in the amount of \$12,893.62 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 \$11,750.00.

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. The claimants' insurer, **Farmers Mutual of Nebraska** filed a subrogation claim during the month of April, 2007, in the amount of \$2,361.42. The claims of John Orwen, Gladys Buss, and Farmers Mutual have been **settled** in the amount of \$2,361.42.

Ann Percival filed a claim during the month of April, 2007, in the amount of \$165.00 for damage incurred to mailbox during a City sewer main repair project. This claim has been reviewed by this office and has been **allowed** in the amount of \$165.00.

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 has been reviewed by this office and has been **allowed** in the amount of \$1,257.53.

State Farm Insurance (Claim No. 27-7759-422/Michel Mason, Insured) filed a subrogation claim during the month of April, 2007, in the amount of \$11,026.48 for damage incurred to insured's vehicle as the result of an accident involving a City snowplow. This claim has been **settled** by the Risk Management Office in the amount of \$11,026.48.

Safeco Insurance (Claim No. 495240033008/Denise Olsen Payne, Insured) filed a subrogation claim during the month of April, 2007, in the amount of \$1,026.49 for damage incurred to insured's vehicle as the result of an accident involving a City firetruck. This claim has been **settled** by the Risk Management Office in the amount of \$1,026.49.

DENIED 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. **Motor Club Insurance Association (Claim No. 040951/Charles Teeters, Insured)** filed a subrogation claim in the amount of \$7,358.90 for payment of medical expenses incurred as a result of the accident involving insured and the StarTran bus. Required medical records to support the personal injury claims have not been provided, therefore, these claims have been **denied**.

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

Erin Adams filed a claim during the month of March, 2007, in the amount of \$500 for damage allegedly incurred to vehicle when struck by debris at a street repair site. This claim has been reviewed by this office and has been **denied**.

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 has been reviewed by this office and has been **denied**.

Norm Johnston filed a claim during the month of April, 2007, in the amount of \$240.51 for damage allegedly incurred to rental property as the result of a leaking water meter. This claim has been reviewed by this office and has been **denied**.

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 has been reviewed by this office and has been **denied**.

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 has been referred to the contractor assigned to the area. Accordingly, the claim against the City of Lincoln has been **denied**.

Sheri Johnson filed a claim during the month of April, 2007, in the amount of \$60.00 for reimbursement of tow and car wash fees. This claim has been reviewed by this office and has been **denied**.

PENDING CLAIMS:

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 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-Hewit 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**.

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**.

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**.

CLC Trucking filed a claim during the month of April, 2007, in the amount of \$4,103.55 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**.

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**.

Kathryn Hansen filed a claim during the month of April, 2007, in an unspecified amount for injury incurred as the result of claimant's fall on ice/snow covered sidewalk. This claim is under review and is **pending**.

Linda S. Rediger 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**.

Deborah Chinnow, Conservator of Jena I. Van Groningen filed a claim during the month of April, 2007, for injuries incurred when Jena was struck by a Police vehicle as she was crossing a City street. This claim is under review and is **pending**.

Dawn McFarland filed a claim during the month of April, 2007, in the amount of \$13,189.13 for damage incurred as the result of a sanitary sewer back-up. 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 Easley 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