

## Exhibit "A"

November 3, 2008

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

RE: Report of Claims Against the City of Lincoln for October 16 through October 31, 2008

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 October 16 through October 31, 2008. This report will describe the claims and the dispositions or status of these claims.

### **DENIED CLAIMS:**

**Mary L. Steiner** filed a claim during the month of April, 2008, in the amount of \$44.42 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**.

**State Farm Insurance (Claim No. 27-E081-312; Micah Madlock, Insured)** filed a subrogation claim during the month of May, 2008, in the amount of \$1,188.68 for damage allegedly incurred to insured's house as the result of a fallen tree limb. This claim has been reviewed by this office and has been **denied**.

**Robin Derr** filed a claim during the month of October, 2008, in the amount of \$900.00 for damage incurred to door of rental property as the result of action by Lincoln police. This claim has been reviewed by this office and has been **denied**.

**Jesse Rabago** filed a claim during the month of October, 2008, in the amount of \$50.00 for reimbursement of tow fee. This claim has been reviewed by this office and has been **denied**.

**Michael J. Diekmann** filed a claim during the month of October, 2008, in the amount of \$175,000 for alleged damages incurred as the result of an alleged unlawful arrest and detention by Lincoln Police Department, Lancaster County Sheriff's Office, and Lancaster Correctional Facility. This claim has been reviewed by this office and has been **denied**.

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

**Elena and Heriberto Arteaga** filed a claim during the month of October, 2008, in the amount of \$753.97 for damage incurred to vehicle when struck by a cot that was being moved by Lincoln Fire and Rescue personnel. This claim has been **settled** by this Risk Management Office in the amount of \$753.97.

**OTHER RESOLVED CLAIMS:**

**Sondra Lothrop** filed a claim during the month of February, 2008, in an unspecified amount for damage incurred to driveway as the result of City sand and snow removal trucks driving on it. This claim has been **resolved** by the City making repairs to driveway.

**Debra S. Roberts** filed a claim during the month of May, 2008, in the amount of \$900.00 for damage allegedly incurred to driveway and curb as the result of snow removal activity. This claim has been **resolved** by the City making repairs to driveway and curb.

**WITHDRAWN CLAIMS:**

**Susan Chocholousek** filed a claim during the month of December, 2006, in the amount of \$43,314.00 for alleged injury incurred when claimant was a passenger on a StarTran bus. This claim has been **withdrawn**.

**Laura Sheldon** filed a claim during the month of April, 2008, in the amount of \$500,000 for alleged injury incurred as the result of fall in alley at 4750 Calvert. This claim has been **withdrawn**.

**PENDING CLAIMS:**

**Joni Thomas** filed a claim during the month of June, 2007, in an unspecified amount for injury allegedly incurred while claimant was a passenger on a StarTran bus. This claim is under review and is **pending**.

**Michelle Stoneman on behalf of her minor child, Jackson Stoneman**, filed a claim during the month of August, 2007, in an unspecified amount for injury allegedly incurred at Woods pool. This claim is under review and is **pending**.

**Rasta Kennedy** filed a claim during the month of August, 2007, in the amount of \$1,654.14 for damage incurred to vehicle as the result of an accident involving a City vehicle. A notice of tort claim was received in the City Clerk's Office on January 15, 2008, from counsel for claimant, Rasta Kennedy, stating a demand for damages in the amount of \$100,000 as a result of the accident. This claim is under review and is **pending**.

**Kathy Hoefs** filed a claim during the month of October, 2007, in the amount of \$500,000 for injury allegedly incurred as the result of an accident involving a police vehicle. This claim is under review and is **pending**.

**David Neylon** filed a claim during the month of November, 2007, in the amount of \$936.33 for damage incurred to vehicle as a result of an accident involving a City vehicle. **Julia M. Norvell**, the driver of the vehicle owned by David Neylon, filed a claim in an unspecified amount for possible injury incurred as the result of the accident. These claims are under review and are **pending**.

**Lance Nussbaumer** filed a claim during the month of November, 2007, in the amount of \$680.00 for medical expenses incurred for alleged injury incurred during claimant's arrest. This claim is under review and is **pending**.

**Tina Tafoya** filed a claim during the month of January, 2008, in the amount of \$500,000 for alleged damages incurred as the result of an accident involving a City street sweeper. This claim is under review and is **pending**.

**Catherine A. Munoz** filed a claim during the month of January, 2008, in the amount of \$100,000 for alleged injury incurred as the result of an accident involving a City snow plow. This claim is under review and is **pending**.

**University of Nebraska-Lincoln** filed a claim during the month of February, 2008, in the amount of \$4,360.81 for alleged error made by City personnel in locating City sewer line during a construction project. This claim is under review and is **pending**.

**Cyril Sloup** filed a claim during the month of February, 2008, in an unspecified amount for injury incurred as the result of fall on ice on hiker/biker trail at 33<sup>rd</sup> and Browning. This claim is under review and is **pending**.

**Kristine A. Truex** filed a claim during the month of April, 2008, in the amount of \$100 for reimbursement of improper registration fine. This claim is under review and is **pending**.

**Sandra Eadie** filed a claim during the month of April, 2008, in the amount of \$200,000 for injury allegedly incurred when the tires of the bicycle claimant was riding slid in mud that had accumulated on the street near a construction site causing claimant to fall from the bicycle. This claim is under review and is **pending**.

**Claudia Perez** filed a claim during the month of May, 2008, in an unspecified amount for damage incurred to vehicle as the result of an accident involving a City vehicle driven by an employee of Downtown Lincoln Association. This claim has been referred to the insurer for Downtown Lincoln Association and is **pending**.

**Loretta McGeisey** filed a claim during the month of July, 2008, in an unspecified amount for alleged injury incurred as the result of a motor vehicle accident involving a police vehicle. This claim is under review and is **pending**.

**Robert Niemeyer, Personal Representative of the Estate of Alvin Niemeyer** filed a claim during the month of July, 2008, in the amount of \$1,000,000. Claimant alleges that a motor vehicle accident which caused injuries that allegedly led to the death of Alvin Niemeyer was caused by the negligence of the City of Lincoln in failing to maintain weeds at an intersection. This claim is under review and is **pending**.

**Gerry Krolkowski** filed a claim during the month of July, 2008, in the amount of \$366.09 for damage incurred to windshield of vehicle when it was allegedly struck by a rock from a City mower. This claim is under review and is **pending**.

**Jerry Roth** filed a claim during the month of July, 2008, in the amount of \$5,044.75 for damage incurred to vehicle as the result of an accident involving a police vehicle. This claim is under review and is **pending**.

**Christine Shield** filed a claim during the month of July, 2008, in the amount of \$6,638.90 for damage incurred to vehicle as the result of a fallen tree branch. This claim is under review and is **pending**.

**Claritus, Inc.** filed a claim during the month of August, 2008, in the amount of \$213.54 for damage incurred to vehicle as the result of an accident involving a Public Works vehicle. This claim is under review and is **pending**.

**Progressive Insurance (Scott LeBlanc, Insured)** filed a claim during the month of August, 2008, in the amount of \$645.28 for damage incurred to Insured's vehicle as the result of an accident involving a police vehicle. This claim is under review and is **pending**.

**Betty Beecham** filed a claim during the month of August, 2008, in an unspecified amount for injury incurred as the result of an accident involving a City-owned vehicle. **State Farm Insurance (Claim No. 27-7809-744)** filed a subrogation claim for medical payments made on behalf of its insured, Betty Beecham, and the passengers in its insured's vehicle, Alice Peterson and Bernadette Thiel. These claims are under review and are **pending**.

**Alice Peterson** filed a claim during the month of September, 2008, in an unspecified amount for injury incurred as the result of an accident involving a City-owned vehicle. This claim is under review and is **pending**.

**Bernadette Thiel** filed a claim during the month of September, 2008, in an unspecified amount for injury incurred as the result of an accident involving a City-owned vehicle. This claim is under review and is **pending**.

**Nebraska Intergovernmental Risk Management Association (NIRMA File No. VAWASHI026958; Washington County, Insured; Donald B. Morgan, Insured's Driver)** filed a subrogation claim during the month of September, 2008, in an unspecified amount for injury incurred to insured's driver as the result of a motor vehicle accident involving a Lincoln police vehicle. This claim is under review and is **pending**.

**Amber Bradshaw** filed a claim during the month of September, 2008, in the amount of \$7,500.00 for alleged injury incurred as the result of an accident involving a StarTran bus. This claim is under review and is **pending**.

**Dale and Nancy Schmidt** filed a claim during the month of September, 2008, in the amount of \$1,612,500.00. Claimants allege that due to the construction of SW Village Road they have no legal access to their property at 6900 1<sup>st</sup> Street. Claimants allege that the lack of legal access makes the selling of and/or transporting of trees from their tree nursery legally impossible. This claim is under review and is **pending**.

**Gina Olson** filed a claim during the month of October, 2008, in the amount of \$200.00 for coat that was destroyed by Police Property. This claim is under review and is **pending**.

**Sheri Broche-Koebel on behalf of her minor child, Dillon C. Broche** filed a claim during the month of October, 2008, in an unspecified amount for alleged injury incurred when Dillon was a passenger on a StarTran bus that was involved in an accident. This claim is under review and is **pending**.

**State Farm Insurance (Claim No. 27-7806-470; Jeanette Nakada, Insured)** filed a subrogation claim during the month of October, 2008, in the amount of \$3,114.00 for damage incurred to insured's vehicle as the result of a fallen tree limb. This claim is under review and is **pending**.

**Paul Meder** filed a claim during the month of October, 2008, in the amount of \$85,000 for damage to vehicle and injury incurred as the result of an accident involving a StarTran bus. A subrogation claim was filed by **USAA Insurance (Claim No. 8506654-7101-3-8508)**. This claim is under review and is **pending**.

**Cincinnati Insurance Co. (Burden Enterprises, Insured; Claim #950379)** filed a worker's compensation subrogation claim during the month of October, 2008, in an unspecified amount for medical expenses paid on behalf of Insured's employee who was involved in a motor vehicle accident involving a City vehicle. This claim is under review and is **pending**.

**RuthAnne Williams** filed a claim during the month of October, 2008, in the amount of \$487.06 for damage incurred to vehicle at a street construction site. This claim is under review and is **pending**.

**Andrea Zeiler** filed a claim during the month of October, 2008, in the amount of \$3,222.79 for expense incurred as the result of a water main break. This claim is under review and is **pending**.

**Joseph Carden** filed a claim during the month of October, 2008, in the amount of \$1,516.23 for damage incurred to vehicle as the result of a fallen tree limb. This claim is under review and is **pending**.

**PENDING TORT LITIGATION:**

**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 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**.

**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**.

**Connie Fortney** filed a claim during the month of July, 2006, in the amount of \$50,000 for damages incurred as the result of an 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 July 31, 2006. A suit was filed in the Lancaster County District Court on July 9, 2007. Litigation is **pending**.

**Beth Hollon** filed a claim during the month of January, 2007, in an unspecified amount for injury incurred when claimant allegedly fell in a hole in the right-of-way. This claim was reviewed by this office and denial of this claim was approved by the City Council on February 26, 2007. A suit was filed in the Lancaster County District Court on August 28, 2007. Litigation is **pending**.

**Chris Gentry** filed a claim during the month of March, 2007, in an unspecified amount for alleged injury and damage incurred to vehicle as the result of an accident involving a City snowplow. This claim was reviewed by this office and denial of this claim was approved by the City Council on April 2, 2007. A suit was filed in the Lancaster County Court on September 12, 2007. Litigation is **pending**.

**Steve Cummings** 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 was reviewed by this office and denial of this claim was approved by the City Council on January 22, 2007. A suit was filed in the Lancaster County District Court on October 5, 2007. Litigation 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 was withdrawn by counsel for claimant on October 30, 2007, and suit was filed in the Lancaster County District Court on November 2, 2007. Litigation is **pending**.

**Jeffrey Harris** filed a claim during the month of January, 2007, in the amount of \$900,000 for injury incurred when a manhole cover allegedly flipped up and struck claimant. This claim was denied by this office for the reason there was not sufficient evidence to support the claim. Denial of this claim was approved by the City Council on June 4, 2007. A suit was filed in the Lancaster County District Court on October 18, 2007. Litigation is **pending**.

**Arlene Brubaker** filed a claim during the month of April, 2006, in an unspecified amount for alleged injury incurred while claimant was a passenger on a StarTran handivan. This claim was withdrawn by counsel for

claimant on February 13, 2008, and suit was filed in the Lancaster County District Court on February 19, 2008. Litigation is **pending**.

**Charles L. Teeters and Kristina D. Teeters** filed a claim during the month of October, 2005, for damage incurred to vehicle and alleged injuries incurred to Kristina Teeters and the minor children of Charles and Kristina Teeters, Walter, Marjorie, and Charles E.F. Teeters, as the result of an accident involving a StarTran bus. The property damage portion of this claim was settled in the amount of \$2,879.16, however, required medical records to support the personal injury claims were not provided, therefore, the personal injury claims were denied. Denial was approved by the City Council on May 14, 2007. A suit was filed in the Lancaster County District Court. Litigation is **pending**.

**Eric Fritzgerald Lewis** filed seven claims in the Small Claims Court in the total amount of \$18,900 for various vehicles allegedly sold at police auction between August 1996 and August 2003. These claims were transferred to the Civil Docket of Lancaster County Court and were dismissed. Plaintiff has appealed to the Lancaster County District Court and the Nebraska Court of Appeals. Litigation is **pending**.

**Rita J. Choquette, Personal Representative of the Estate of Emy C. Choquette** filed a claim during the month of October, 2007, in the amount of \$1,200,000. Claimant alleges that Lincoln Fire and Rescue personnel failed to provide required services. This claim was withdrawn by counsel for claimant and suit has been filed in the Lancaster County District Court on July 11, 2008. Litigation is **pending**.

**Kerry Rupe** filed a claim during the month of February, 2008, in the amount of \$25,000 for alleged injury incurred as the result of an accident involving an Aging van. A suit was filed in the Lancaster County Court on September 2, 2008. Litigation is **pending**.

Submitted by City Law Department

c: Risk Management