

Exhibit "A"

October 15, 2009

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

RE: Report of Claims Against the City of Lincoln for October 1 through October 15, 2009

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 1 through October 15, 2009. This report will describe the claims and the dispositions or status of these claims.

DENIED CLAIMS:

Carole Allemang filed a claim during the month of August, 2009, in the amount of \$519.91 for injury incurred when claimant tripped on sidewalk. This claim has been reviewed by this office and has been **denied**.

Tanya Dunn filed a claim during the month of October, 2009, in the amount of \$226.56 for damage incurred to windshield when struck by debris at a road construction site. This claim has been reviewed by this office and has been **denied**.

ALLOWED/SETTLED CLAIMS:

Mary A. Mumgaard filed a claim during the month of April, 2009, in the amount of \$10,819.32 for damage incurred as the result of a sanitary sewer back-up. This claim has been **settled** in the amount of \$10,250.00.

American Family Insurance Group (Barry L. and Nancy Schmoker, Insured) filed a subrogation claim during the month of May, 2009, in the amount of \$4,193.28 for damage incurred to insured's vehicle as the result of a water main break. This claim has been reviewed by this office and has been **allowed** in the amount of \$4,193.28.

Auto-Owners Insurance (Arnold and Cathy Castner, Insured) filed a subrogation claim during the month of September, 2009, in the amount of \$4,915.75 for damage incurred to insured's vehicle as the result of an accident involving an Aging vehicle. This claim has been **settled** by the Risk Management Office in the amount of \$4,915.75.

Beverly Ann Best filed a claim during the month of October, 2009, in the amount of \$2,449.01 for damage incurred to vehicle as the result of an accident involving a Parks vehicle. This claim has been **settled** by the Risk Management Office in the amount of \$1,850.00.

James Waltke d/b/a Trade Center Automotive, Inc. filed a claim during the month of October, 2009, in the amount of \$125.00 for damage incurred to vehicle when City personnel were repairing a water main. This claim has been reviewed by this office and has been **allowed** in the amount of \$125.00.

PENDING CLAIMS:

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 33rd and Browning. 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**.

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 in the amount of \$28,290.00 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**.

Cincinnati Insurance Co. (Burden Enterprises, Insured; Claim #950379) filed a worker's compensation subrogation claim during the month of October, 2008, in the amount of \$2,596.18 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**.

Elizabeth Ozolins filed a claim during the month of November, 2008, for alleged injury incurred as the result of an accident involving an L.E.S. vehicle on October 20, 2008. This claim is under review and is **pending**.

Evey Lesoing filed a claim during the month of November, 2008, in the amount of \$502.44 for alleged injury incurred as the result of fall on sidewalk. **Blue Cross Blue Shield of Nebraska** filed notice of subrogation claim during the month of May, 2009, for benefits paid on behalf of its insured as a result of insured's fall on sidewalk. This claim is under review and is **pending**.

Anthony Grazziano filed a claim during the month of January, 2009, in the amount of \$350,000 for damages that claimant alleges he incurred when his employment with the Lincoln Fire Department was terminated. This claim is under review and is **pending**.

Patrick Ronald Russell filed a claim during the month of April, 2009, in the amount of \$5,025,000.00 alleging the wrongful death of his brother, Earl C. Russell, by Lincoln Police. This claim is under review and is **pending**.

George and Carolene Skorohod filed a claim during the month of April, 2009, in the amount of \$6,040.75 for damages incurred as the result of a sanitary sewer back-up. This claim is under review and is **pending**.

Retha Saathoff filed a claim during the month of April, 2009, in an unspecified amount for alleged injury incurred as the result of fall on StarTran bus. This claim is under review and is **pending**.

Phillip Hughes filed a claim during the month of May, 2009, in the amount of \$839.88 for damages incurred to rental property when a City grader struck an L.E.S. police. This claim is under review and is **pending**.

Connie M. Voss filed a claim during the month of May, 2009, in an unspecified amount for injury incurred when claimant tripped on sidewalk at Fleming ball fields. This claim is under review and is **pending**.

BlueCross BlueShield of Nebraska (Delores Simmons, Insured) filed a subrogation claim during the month of May, 2009, in an unspecified amount for benefits paid on behalf of insured as the result of fall on sidewalk. This claim is under review and is **pending**.

Heather Armstrong filed a claim during the month of June, 2009, in the amount of \$225.00 for phone allegedly destroyed by police property. This claim is under review and is **pending**.

Farmers Mutual of Nebraska (Bambi L. Schmid, Insured) filed a claim during the month of July, 2009, in the amount of \$1,553.48 for damage incurred to insured's home when struck by a vehicle driven by an individual fleeing arrest. This claim is under review and is **pending**.

American Family Insurance Group (Ronald & Kristen Howard, Insured) filed a claim during the month of July, 2009, in an unspecified amount for damage incurred to insured's vehicle when struck by a fire truck. This claim is under review and is **pending**.

Jamil Woullard filed a claim during the month of August, 2009, in the amount of \$80.00 for damage allegedly incurred to keys during claimant's arrest. This claim is under review and is **pending**.

Debra and Darren Washington filed a claim during the month of August, 2009, in the amount of \$76,000.00 for alleged injuries incurred as the result of an incident involving a Lincoln police officer. This claim is under review and is **pending**.

Jolyn Carnes filed a claim during the month of August, 2009, in the amount of \$200 for cost of removal of tar from driveway. This claim is under review and is **pending**.

Aon Recovery, Inc./FirstComp Group (workers compensation carrier for Clarissa Percy) filed a subrogation claim during the month of August, 2009, in the amount of \$826.46 for workers' compensation benefits paid on behalf of Clarissa Percy who was injured when she allegedly slipped on an icy sidewalk. This claim is under review and is **pending**.

IL Partners filed a claim during the month of August, 2009, in the amount of \$535.07 for damage allegedly incurred to sprinkler system when repairs were being made to storm inlets. This claim is under review and is **pending**.

Mary Rezabek filed a claim during the month of August, 2009, in the amount of \$942.73 for damage allegedly incurred to vehicle due to condition of parking lot at University Place pool. This claim is under review and is **pending**.

John Desmond filed a claim during the month of September, 2009, in the amount of \$3,617.23 for damage incurred to vehicle as the result of an accident involving a Public Works vehicle. This claim is under review and is **pending**.

Lincoln Lumber Company filed a claim during the month of September, 2009, in an unspecified amount for damages to railroad allegedly caused by negligent acts of City employees and the City's contractor during a storm sewer construction project. This claim is under review and is **pending**.

Edwin K. Aasen III (Nebraska School of Gymnastics South, Inc./Pioneer Gymnastics Academy) filed a claim during the month of September, 2009, in the amount of \$1,126.00 for damage allegedly incurred to water stop box during street widening project. This claim is under review and is **pending**.

HIP (Holroyd Investment Properties, Inc.) filed a claim during the month of September, 2009, in the amount of \$1,180.75 for damage allegedly incurred to sprinkler system during street construction. This claim is under review and is **pending**.

Michael Vestecka d/b/a Fast Mike's Inc. filed a claim during the month of September, 2009, in the amount of \$491.48 for damage allegedly incurred to truck tire at the Bluff Road Landfill. This claim is under review and is **pending**.

Mark Maryott filed a claim during the month of September, 2009, in the amount of \$1,357.85 for damage allegedly incurred to vehicle when Lincoln police were arresting an individual involved in a disturbance. This claim is under review and is **pending**.

Nationwide Insurance (April Sanna, Insured) filed a subrogation claim during the month of October, 2009, for damages incurred as the result of a motor vehicle accident involving insured and a Public Works vehicle. This claim is under review and is **pending**.

State Farm Insurance (Troester Ag, Inc., Insured) filed a subrogation claim during the month of October, 2009, in the amount of \$5,268.44 for damage incurred to insured's vehicle as the result of a fallen tree branch. This claim is under review and is **pending**.

Tidewater Finance Company filed a claim during the month of October, 2009, in the amount of \$2,147.47 for proceeds from sale of vehicle at police auction. This claim is under review and is **pending**.

American Family Insurance Group (Dustin Krogman, Insured) filed a subrogation claim during the month of October, 2009, for damage incurred to insured's vehicle when struck by gate at Mahoney Golf Course. This claim is under review and is **pending**.

Thomas Finneman filed a claim during the month of October, 2009, in the amount of \$720.29 for damage incurred to vehicle as the result of a pothole. This claim is under review and is **pending**.

Lamar Outdoor Advertising filed a claim during the month of October, 2009, in the amount of \$2,400.00 for damage incurred to sign when struck by a City mower. This claim is under review and is **pending**.

Eugene J. LeDuc filed a claim during the month of October, 2009, in the amount of \$348.03 for injury and damage incurred to bicycle when claimant struck a "protruding electrical service/access box" located in sidewalk. This claim is under review and is **pending**.

Loren and Connie Boeckman filed a claim during the month of October, 2009, in the amount of \$2,645.00 for damage incurred to vehicle when allegedly struck by a StarTran bus. This claim is under review and is **pending**.

PENDING TORT LITIGATION:

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. The City received an unfavorable judgment in the District Court and the City has appealed the judgment to the Nebraska Court of Appeals. 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**.

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**.

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**.

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 was withdrawn by counsel for claimant on November 4, 2008, and suit was filed in the Lancaster County District Court on November 24, 2008. Litigation 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. A suit was filed in the Lancaster County District Court on December 24, 2008. Litigation 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 stating a demand for damages in the amount of \$100,000 as a result of the accident. This claim was withdrawn by counsel for claimant on July 30, 2008, and suit was filed in the Lancaster County District Court on January 13, 2009. Litigation is **pending**.

Deandre Brown filed a claim during the month of July, 2008, in the amount of \$550.00 for alleged property damage incurred as the result of action by Lincoln police. Denial of this claim was approved by the City Council on September 8, 2008. A suit was filed in the Lancaster County Court on February 19, 2009. Litigation 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 was withdrawn by counsel for claimant on February 27, 2009. Claimant filed suit in the Lancaster County District Court against Scott Anderson, the City of Lincoln and Lancaster County. Litigation is **pending**.

Paul Meder and Stacie Meder filed a claim during the month of October, 2008, in the amount of \$85,000 for alleged injury incurred to Paul Meder as the result of an accident involving a StarTran bus. This claim was withdrawn by counsel for claimants and suit was filed in the Lancaster County District Court on June 23, 2009. Litigation is **pending**.

Ricky E. Beenblossom filed a claim during the month of January, 2009, in the amount of \$25,000 for damages incurred as the result of alleged negligent actions by the Lincoln and Omaha police departments. Counsel for claimant filed suit against the City of Lincoln and the City of Omaha in the U.S. District Court. Suit has also been filed in the Lancaster County District Court. Litigation is **pending** in both courts.

State Farm Insurance (Courtney Harrison, Insured) filed a subrogation claim during the month of December, 2008, in the amount of \$5,928.99 for damage incurred to Insured's vehicle and medical expenses paid on behalf of Insured as the result of an accident involving a Building and Safety vehicle. A suit was filed in the Lancaster County Court on July 24, 2009. Litigation is **pending**.

Graylin Gray filed claims alleging that his rights had been violated when he was arrested. All claims were reviewed by this office and denial of these claims were approved by the City Council. Graylin Gray has filed two suits in the Lancaster County District Court. Litigation is **pending**.

Submitted by City Law Department

c: Risk Management