

Exhibit "A"

January 3, 2012

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

RE: Report of Claims Against the City of Lincoln for December 1 through December 31, 2011

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 December 1 through December 31, 2011. This report will describe the claims and the dispositions or status of these claims.

DENIED CLAIMS:

None.

ALLOWED/SETTLED CLAIMS:

Douglas Samuelson filed a claim during the month of April, 2011, in an unspecified amount for injury incurred while claimant was officiating an adult co-ed volleyball game sponsored by Parks and Recreation. Claimant fell off the ladder he was standing on when a player collided with the ladder. This claim has been **settled** in the amount of \$8,862.35. State Farm Insurance, which is the insurer for the volleyball player involved in the incident, will pay \$4,431.18 and the City's portion of the settlement is \$4,431.17.

Jason Yeager filed a claim during the month of November, 2011, in an unspecified amount for 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 \$2,500.00.

Linda Rediger filed a claim during the month of December 2011, in the amount of \$151.80 for damage incurred to lock when Lincoln police responded to an alarm. This claim has been reviewed by this office and has been **allowed** in the amount of \$151.80.

Donald G. Tapp filed a claim during the month of December, 2011, in the amount of \$219.00 for damage incurred to door of rental property during the execution of a "no knock" search warrant by Lincoln police. This claim has been reviewed by this office and has been **allowed** in the amount of \$219.00.

LINCOLN ELECTRIC SYSTEM CLAIM DISPOSITIONS:

David Stone filed a claim during the month of May, 2011, in the amount of \$293.20 for damage incurred to vehicle window when it was struck by debris thrown from a weed mowing machine operated by an L.E.S. employee. This claim has been **settled** by Lincoln Electric System on behalf of District Energy Corporation in the amount of \$199.88.

Clifford C. Taylor III filed a claim during the month of May, 2011, in the amount of \$2,003.24 for damage incurred to vehicle when it was struck by a fallen light pole. The **settlement** of this claim in the amount of \$2,003.24 has been reviewed and ratified by the L.E.S. Administrative Board.

Tamera Mowery filed a claim during the month of June, 2011, in the amount of \$450.00 for damage incurred when an L.E.S. transformer spilled oil on utility shed. The **settlement** of this claim in the amount of \$450.00 has been reviewed and ratified by the L.E.S. Administrative Board.

Rhonda Erickson filed a claim during the month of June, 2011, in the amount of \$665.00 for damage incurred to television and food due to alleged L.E.S. malfunction that caused electrical power surge/outage. The **denial** of this claim has been reviewed and ratified by the L.E.S. Administrative Board.

Lavern and Rosemary Kavanaugh filed a claim during the month of July, 2011, in the amount of \$342.40 for damage allegedly incurred to electric oven as the result of an L.E.S. power surge. The **denial** of this claim has been reviewed and ratified by the L.E.S. Administrative Board.

Les Makohoniuk filed a claim during the month of July, 2011, in the amount of \$807.10 for damage allegedly incurred to tree as the result of boring that occurred underneath the tree when L.E.S. installed an underground electrical line. The **denial** of this claim has been reviewed and ratified by the L.E.S. Administrative Board.

Russ Bohaty Electric filed a claim during the month of July, 2011, on behalf of **Mike Wilson** in the amount of \$97.50 for expense incurred when property owner called electrician to correct electrical problem that was created by L.E.S. personnel. The **settlement** of this claim in the amount of \$97.50 has been reviewed and ratified by the L.E.S. Administrative Board.

Jean Donnelly filed a claim during the month of August, 2011, in the amount of \$1,068.95 for expense incurred for repair of electrical meter and socket. The **settlement** of this claim in the amount of \$403.95 has been reviewed and ratified by the L.E.S. Administrative Board.

Thomas and Faye Styskal filed a claim during the month of August, 2011, in the amount of \$435.00 for damage incurred to garage when L.E.S. tree trimming contractor was removing tree limbs and a large limb fell on garage. The **settlement** of this claim in the amount of \$435.00 has been reviewed and ratified by the L.E.S. Administrative Board.

Tom Burke filed a claim during the month of August, 2011, in the amount of \$633.99 for damage incurred to tire as the result of equipment that had fallen on street from an L.E.S. vehicle. The **settlement** of this claim in the amount of \$400.00 has been reviewed and ratified by the L.E.S. Administrative Board.

Mark Fahlson filed a claim during the month of August, 2011, in an unspecified amount for damage allegedly incurred to fence by L.E.S. personnel while repairing a power line. The **denial** of this claim has been reviewed and ratified by the L.E.S. Administrative Board.

Eugene Harris filed a claim during the month of August, 2011, in the amount of \$250.00 for food that allegedly spoiled in refrigerator during a power outage. The **denial** of this claim has been reviewed and ratified by the L.E.S. Administrative Board.

Brad Harris filed a claim during the month of September, 2011, in an unspecified amount for reimbursement of L.E.S. charges for a security light that claimant alleges was located on property adjacent to his property but was erroneously bill to him. The **denial** of this claim has been reviewed and ratified by the L.E.S. Administrative Board.

Janet Geisinger filed a claim during the month of September, 2011, in the amount of \$450.00 for damage allegedly incurred to fence and landscaping by L.E.S. personnel. The **denial** of this claim has been reviewed and ratified by the L.E.S. Administrative Board.

Bev Redfield Currie filed a claim during the month of September, 2011, in the amount of \$4,140.53 for damage allegedly incurred to house, driveway and landscaping by L.E.S. personnel. The **denial** of this claim has been reviewed and ratified by the L.E.S. Administrative Board.

Century Sales and Management filed a claim during the month of September, 2011, in the amount of \$67.00 for reimbursement of cost incurred to prove that property was metered after L.E.S. alleged that property was unmetered. The **denial** of this claim has been reviewed and ratified by the L.E.S. Administrative Board.

Anthony Reda filed a claim during the month of September, 2011, in the amount of \$710.00 for damage allegedly incurred to fence by L.E.S. personnel. The **denial** of this claim has been reviewed and ratified by the L.E.S. Administrative Board.

William and Cynthia Hunt filed a claim during the month of September, 2011, in the amount of \$1,768.33 for damage allegedly incurred to garage and vehicle by L.E.S. personnel. The **denial** of this claim has been reviewed and ratified by the L.E.S. Administrative Board.

Brett Wheeler filed a claim during the month of October, 2011, in the amount of \$198.45 for expense incurred for repair of electrical meter socket. The **settlement** of this claim in the amount of \$198.45 has been reviewed and ratified by the L.E.S. Administrative Board.

Dennis M. White filed a claim during the month of October, 2011, in the amount of \$85.65 for damage allegedly incurred to underground sprinkler system by L.E.S. equipment. The **denial** of this claim has been reviewed and ratified by the L.E.S. Administrative Board.

Black Hills Energy filed a claim during the month of November, 2011, in the amount of \$1,156.67 for costs incurred to repair underground gas line that was struck by an auger operated by L.E.S. personnel. The **settlement** of this claim in the amount of \$1,156.67 has been reviewed and ratified by the L.E.S. Administrative Board.

PENDING CLAIMS:

John Leonard and Darlene Rose Barnhill filed a claim during the month of March, 2010, in the amount of \$30,800 for alleged water damages incurred to basement of claimant's home at 6951 Benton which claimant alleges has occurred since the land east of claimant's property was developed in 1974-1975. This claim is under review and is **pending**.

Michelle Yount filed a claim during the month of July, 2010, in the amount of \$16,000 for alleged injury incurred when claimant tripped and fell on sidewalk in front of Eiseley Library. This claim is under review and is **pending**.

State Farm Insurance (Kimberly Watkins Lutz, Insured) filed a subrogation claim during the month of September, 2010, for medical payments made on behalf of its insured as the result of a motor vehicle accident involving a police vehicle. This claim is under review and is **pending**.

Brent Braun filed a claim during the month of October, 2010, in the amount of \$577.50 for damage allegedly incurred to sewer line as the result of water main construction. This claim is under review and is **pending**.

Willa D. Smith filed a claim during the month of December, 2010, in an unspecified amount for injury incurred when claimant allegedly tripped on sidewalk at Walt Library. This claim is under review and is **pending**.

Marlin Lockhart filed a claim during the month of December, 2010, in the amount of \$354.14 for damage incurred to vehicle in parking lot at Walt Library when a handicapped parking sign allegedly blew over and struck claimant's vehicle. This claim is under review and is **pending**.

Perry Vale filed a claim during the month of January, 2011, in the amount of \$1,200.00 for damage allegedly incurred to his wheelchair while claimant was a passenger on a StarTran van. This claim is under review and is **pending**.

Ashley Billings filed a claim during the month of February, 2011, in the amount of \$405.00 for damage incurred to three interior doors of apartment as the result of actions by Lincoln Police during the execution of a search warrant. This claim is under review and is **pending**.

Midwest Refuse filed a claim during the month of February, 2011, in the amount of \$3,260.04 for damage allegedly incurred to truck equipment at the City Landfill. This claim is under review and is **pending**.

Lanny Gerig filed a claim during the month of February, 2011, in the amount of \$100.00 for damage allegedly incurred to mailbox as the result of snow removal activity. This claim is under review and is **pending**.

Karen Davis filed a claim during the month of February, 2011, in the amount of \$2,895.52 for damage allegedly incurred to vehicle when it struck a cement pillar in the parking lot at the Walt Library. This claim is under review and is **pending**.

Cleaver-Brooks, Inc. filed a claim during the month of March, 2011, in the amount of \$20,880.00 for damage allegedly incurred to parking lot as the result of a water main break. This claim is under review and is **pending**.

Kevin L. Walker filed a claim during the month of May, 2011, in an unspecified amount for vehicle sold at auction. Claimant alleges he was not properly notified of the release of the vehicle from Police Property prior to the auction. This claim is under review and is **pending**.

Gordon Kyhn filed a claim during the month of May, 2011, in the amount of \$1,000,000 for alleged injury incurred as the result of a trip and fall on sidewalk near Pershing Auditorium. This claim is under review and is **pending**.

Elizabeth Thayer filed a claim during the month of May, 2011, in the amount of \$548.56 for damage allegedly incurred to tire at a street construction site on Capitol Parkway. This claim is under review and is **pending**.

Amy Rorebeck filed a claim during the month of June, 2011, in an unspecified amount for alleged injury incurred when she was a passenger on a StarTran bus. This claim is under review and is **pending**.

Robert Overkamp filed a claim during the month of July, 2011, in an unspecified amount for damage allegedly incurred to toilet seats lids as the result of "blowback" which occurred during sewer main cleaning. This claim is under review and is **pending**.

Lincoln Children's Museum filed a claim during the month of July, 2011, in the amount of \$1,859.00 for water damage incurred to walls as the result of a hole that was allegedly created by L.E.S. personnel, which caused rain water to enter building. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

Linda Weddington filed a claim during the month of July, 2011, in an unspecified amount for alleged injury incurred as the result of fall on sidewalk. This claim is under review and is **pending**.

Matthew and Lori Hirt filed a claim during the month of September, 2011, in the amount of \$27,500 for damage incurred to garage as the result of a fallen tree. This claim is under review and is **pending**.

Matt Fouts filed a claim during the month of September, 2011, in the amount of \$500.00 for damage allegedly incurred to vehicle as the result of a fallen tree branch. This claim is under review and is **pending**.

Debra Sue Galindo filed a claim during the month of October, 2011, in an unspecified amount for alleged injury incurred when claimant fell on the lawn of Pershing Auditorium. This claim is under review and is **pending**.

Marcia Hovermale filed a claim during the month of November, 2011, in the amount of \$34.99 for damage incurred to mailbox when it was allegedly struck by a City vehicle. This claim is under review and is **pending**.

Daniel W. Cook filed a claim during the month of November, 2011, in the amount of \$10,401.00 for damages incurred as the result of a sanitary sewer back-up. This claim is under review and is **pending**.

Linda M. Decker filed a claim during the month of November, 2011, in the amount of \$355.00 for damage incurred to glasses when claimant allegedly fell at Pioneers Park. This claim is under review and is **pending**.

Minerva Martinez filed a claim during the month of November, 2011, in the amount of \$50,000 for injury allegedly incurred to claimant's jaw when she had her wisdom teeth extracted by a dentist at the Health Department. This claim is under review and is **pending**.

Gaye Richardson filed a claim during the month of November, 2011, in the amount of \$10,000 for alleged injury incurred as the result of fall on StarTran bus. This claim is under review and is **pending**.

Fred and Katharine Luthans filed a claim during the month of November, 2011, in the amount of \$400.00 for alleged damage incurred to brick mailbox as the result of a water main break. This claim is under review and is **pending**.

Manh Van Tran filed a claim during the month of November, 2011, in the amount of \$6,252.00 for alleged damages incurred as the result of a sanitary sewer back-up. This claim is under review and is **pending**.

NEW CLAIMS FILED DECEMBER 1 THROUGH DECEMBER 31, 2011:

HP Properties filed a claim in the amount of \$1,325.00 for damage allegedly incurred to doors by Lincoln Fire and Rescue personnel. This claim is under review and is **pending**.

Farmers Mutual of Nebraska (Evelyn and Gabriel Lucas, Insured) filed a subrogation claim in the amount of \$3,572.69 for damage incurred to Insured's property as the result of an L.E.S. electrical box fire. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

Shirley Herms filed a claim 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**.

Katie Navratil filed a claim in the amount of \$606.94 for damage allegedly incurred to vehicle as the result of striking a pile of snow in the street that was created by a snowplow. This claim is under review and is **pending**.

Don and Shirley Kringel filed a claim in an unspecified amount for damages incurred as the result of a sanitary sewer back-up. This claim is under review and is **pending**.

Christopher Wildman filed a claim in the amount of \$50,000 for alleged damages incurred as the result of a motor vehicle accident involving a police vehicle. This claim is under review and is **pending**.

Jason Wakefield filed a claim in the amount of \$38.75 for damage allegedly incurred to tire as the result of a pothole. This claim is under review and is **pending**.

Connie Chamberlain filed a claim in the amount of \$227.46 for damage allegedly incurred to tire as the result of a pothole. This claim is under review and is **pending**.

Ritchie R. Wallace II filed a claim in the amount of \$769.52 for payment of medical and veterinary bills incurred when claimant and his dog were attacked by a stray dog at Pioneers Park. This claim is under review and is **pending**.

Adela R. Florez filed a claim in the amount of \$1,223.17 for damage allegedly incurred to vehicle as the result of a dislodged manhole cover. This claim is under review and is **pending**.

Ella Fisher filed a claim in an unspecified amount for property that was destroyed by Police Property. This claim is under review and is **pending**.

PENDING TORT LITIGATION:

Allstate Insurance Co. filed suit in the Lancaster County Court for damage incurred to insured's vehicle as the result of a motor vehicle accident involving a Lincoln police vehicle. Allstate's insured is Perian Patillo who filed a claim during the month of May, 2009, which claim was reviewed by this office and denial of this claim was approved by the City Council on June 15, 2009. Litigation is **pending**.

Lycebeth Loy filed a claim during the month of March, 2010, in the amount of \$1,000,000 for injury incurred when claimant was a passenger on a motorcycle that was involved in an accident. Claimant alleges that the accident occurred due to inadequate signage/markings and lighting at SW 4th and W. Amaranth. This claim was reviewed by this office and denial was approved by the City Council on June 7, 2010. Counsel for claimant filed suit in the Lancaster County District Court on July 27, 2010. Litigation is **pending**.

Debra Daharsh, as parent and next friend of Garrett A. Daharsh filed a claim in April, 2010, in the amount of \$270,224.09 for injury incurred to Garrett Deharsh on June 11, 2009, when he fell off of a merry-go-round at Irvingdale Park while attending a Parks and Recreation day camp at the Irvingdale Recreation Center. This claim was reviewed by this office and denial was approved by the Lincoln City Council on August 16, 2010. Counsel for claimant filed suit in the Lancaster County District Court on November 22, 2010. Litigation is **pending**.

Dennis and Benita Cooper filed a claim in February, 2010, in the amount of \$35,155.62 for damages incurred as the result of a sanitary sewer back-up. This claim was reviewed by this office and denial was approved by the Lincoln City Council on June 28, 2010. Counsel for claimant filed suit in the Lancaster County Court on January 31, 2011. Litigation is **pending**.

Mark Dornbos filed a claim in August, 2009, in an unspecified amount for injury incurred when claimant allegedly lost control of his bicycle as the result of low hanging tree limbs over a sidewalk. This claim was reviewed by this office and denial was approved by the Lincoln City Council on September 28, 2009. Counsel for claimant filed suit in the Lancaster County District Court against the City of Lincoln, Alltel Communications and Windstream Communications on February 4, 2011. Litigation is **pending**.

Jeffery and Nerissa Ahern filed a claim in February, 2010, in the amount of \$4,728.16 for damages incurred as the result of a sanitary sewer back-up. This claim was reviewed by this office and denial was approved by the Lincoln City Council on June 28, 2010. Counsel for claimant filed suit in the Lancaster County District Court on February 18, 2011. Litigation is **pending**.

Phillip Van Ness filed a claim during the month of March, 2010, in an unspecified amount for alleged injury incurred when claimant was a passenger on a StarTran bus that was involved in an accident. Counsel for claimant filed suit in the Lancaster County Court on March 3, 2011. Litigation is **pending**.

Lailoma Ayubzai filed a claim during the month of April, 2010, in the amount of \$1,000,000 for alleged damages incurred as the result of a motor vehicle accident. Claimant's vehicle was struck by a vehicle operated by an individual who was fleeing from police. This claim was withdrawn by counsel for claimant and suit was filed in the Lancaster County District Court on April 22, 2011. Litigation is **pending**.

Amanda Wagner and Shane Alley filed a claim during the month of September, 2010, in the amount of \$351,000 for damages allegedly incurred as the result of a water main break. This claim was withdrawn by counsel for claimants and suit was filed in the Lancaster County District Court on June 13, 2011. Litigation is **pending**.

Tyrone Hall filed a claim during the month of August, 2010, in the amount of \$25,000 for alleged damages incurred when claimant was arrested by Nebraska State Patrol and Lincoln Police. This claim was withdrawn by counsel for claimant and suit was filed in the Lancaster County Court. Litigation is **pending**.

Corrina Muratella filed a claim during the month of April, 2010, for alleged injury incurred as the result of an accident involving a StarTran bus. Council for claimant filed suit in Lancaster County Court. Litigation is **pending**.

Submitted by City Law Department
c: Risk Management