

## Exhibit "A"

June 14, 2012

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

RE: Report of Claims Against the City of Lincoln for June 1 through June 14, 2012

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 June 1 through June 14, 2012. This report will describe the claims and the dispositions or status of these claims.

### **DENIED CLAIMS:**

**Lynn Mahagoub** filed a claim during the month of May, 2012, in the amount of \$655.19 for injury incurred to claimant's dog at the dog run at Holmes Park. This claim has been reviewed by this office and has been **denied**.

**Manyang Akuany** filed a claim during the month of May, 2012, in the amount of \$5,000.00 for alleged injury and damage incurred to bicycle as the result of an accident involving a police vehicle. This claim has been reviewed by this office and has been **denied**.

**Sarah Stone** filed a claim during the month of June, 2012, in the amount of \$465.00 for damage incurred to tire rims as the result of a pothole. This claim has been reviewed by this office and has been **denied**.

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

**Steven R. Tonkin** filed a claim during the month of June, 2012, in the amount of \$263.63 for damage incurred to door of rental property during the execution of a "no knock" search warrant. This claim has been reviewed by this office and has been **allowed** in the amount of \$263.63.

### **PENDING CLAIMS:**

**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**.

**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**.

**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**.

**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**.

**Debra Sue Galindo** filed a claim during the month of October, 2011, in the amount of \$42,500 for alleged injury incurred when claimant fell on the lawn of Pershing Auditorium. 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**.

**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**.

**Farmers Mutual of Nebraska (Evelyn and Gabriel Lucas, Insured)** filed a subrogation claim during the month of December, 2011, 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.

**Don and Shirley Kringel** filed a claim during the month of December, 2011, 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 during the month of December, 2011, 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**.

**Bob Stuart** filed a claim during the month of January, 2012, in an unspecified amount for damage allegedly incurred to television as the result of a power surge. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

**Candace Polfus, individually and on behalf of Robert M. Polfus**, filed a claim during the month of February, 2012, in the amount of \$50,000 for alleged injury incurred to Robert Polfus at a City swimming pool. This claim is under review and is **pending**.

**Southern Finance, Inc.** filed a claim during the month of February, 2012, in an unspecified amount for proceeds from sale of vehicle at police auction. This claim is under review and is **pending**.

**Robert Harding** filed a claim during the month of February, 2012, in the amount of \$2,206.00 for damage allegedly incurred to sewer line by L.E.S. personnel. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

**Farmers Insurance Group (Janette Kropatsch, Insured)** filed a subrogation claim during the month of February, 2012, in an unspecified amount for damage incurred to insured's vehicle as a result of an accident involving a City snowplow. **Jana Kropatsch** who was a passenger in the vehicle driven by Janette Kropatsch filed a claim in an unspecified amount for injury incurred as a result of the accident. These claims are under review and are **pending**.

**Frederic L. Storm** filed a claim during the month of February, 2012, in the amount of \$103.00 for reimbursement of tow fee. This claim is under review and is **pending**.

**Shay and Angela Campbell** filed a claim during the month of March, 2012, in the amount of \$2,313.00 for damage incurred to property as the result of a fire that was allegedly caused by a malfunctioning L.E.S. electrical transformer box. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

**Michael Stoynev** filed a claim during the month of March, 2012, in an unspecified amount for damage incurred to mailbox when it was struck by a StarTran bus. This claim is under review and is **pending**.

**Jon Novak** filed a claim during the month of March, 2012, in an unspecified amount for damage incurred to vehicle when the top half of a wooden street light pole snapped in half and fell into the roadway in front of vehicle causing driver to swerve to the right and strike the bottom half of the light pole that was remaining in the ground. A subrogation demand was received from **Pharmacists Mutual Insurance Company** during the month of May, 2012, in the amount of \$9,363.85 for costs incurred for repair of the Novak vehicle. This claim is under review and is **pending**.

**Elva Lange** filed a claim during the month of March, 2012, in an unspecified for injury incurred when claimant was a passenger on a StarTran handivan that was involved in an accident. This claim is under review and is **pending**.

**Brent Littrell** filed a claim during the month of March, 2012, in the amount of \$120.35 for fish that died when electricity was off. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

**Marianne Mack** filed a claim during the month of March, 2012, the amount of \$115.00 for damage allegedly incurred to mailbox as the result of snow removal activity. This claim is under review and is **pending**.

**Arok Atem** filed a claim during the month of March, 2012, in the amount of \$1,000,000 for injury allegedly incurred when claimant was arrested and transported to the Lancaster County Jail on April 29, 2011. This claim is under review and is **pending**.

**Nick Brandt** filed a claim during the month of March, 2012, in the amount of \$218.41 for damage allegedly incurred to vehicle as the result of a pothole. This claim is under review and is **pending**.

**Armond Schommer** filed a claim during the month of March, 2012, in the amount of \$10,000 for injury incurred when claimant was bitten by a police dog while tracking a suspect that was fleeing from police. This claim is under review and is **pending**.

**John and Paula M. Sharkey** filed a claim during the month of March, 2012, in the amount of \$1,000,000 for injury incurred as the result of an accident involving a StarTran bus. This claim is under review and is **pending**.

**Tracy Contreras** filed a claim during the month of March, 2012, in the amount of \$1,000,000 for alleged injury incurred when claimant fell on a StarTran bus. This claim is under review and is **pending**.

**Donna Swanson** filed a claim during the month of March, 2012, in the amount of \$4,034.47 for repair of sanitary sewer line allegedly damaged as the result of the installation of storm sewer line near claimant's home. This claim is under review and is **pending**.

**Ellie Lane** filed a claim during the month of April, 2012, in the amount of \$50.00 for damage incurred to vehicle when a traffic light cable broke and struck the windshield and hood of her vehicle. This claim is under review and is **pending**.

**Donald Stockley/Matthew Howe/Technical Services** filed a claim during the month of April, 2012, for damages incurred as the result of an accident involving a Public Works vehicle. This claim is under review and is **pending**.

**Krystle Park** filed a claim during the month of April, 2012, in the amount of \$1,000,000 for injury incurred when claimant was bitten by a police dog. This claim is under review and is **pending**.

**Bradley and Cathy Graham** filed a claim during the month of April, 2012, in the amount of \$979.40 for damage incurred to sewer line by an LES subcontractor. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

**Donald Stockley** filed a claim during the month of May, 2012, in the amount of \$1,000,000 for alleged damages incurred as the result of a motor vehicle accident involving a Public Works vehicle. This claim is under review and is **pending**.

**Matthew Howe** filed a claim during the month of May, 2012, in the amount of \$1,000,000 for alleged damages incurred as the result of a motor vehicle accident involving a Public Works vehicle. This claim is under review and is **pending**.

**Mike Costello** file a claim during the month of May, 2012, in the amount of \$563.40 for alleged damage to sprinkler system by L.E.S. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

**Raymond Strozier** filed a claim during the month of May, 2012, in an unspecified amount for alleged injury incurred while claimant was a passenger on a StarTran bus. This claim is under review and is **pending**.

**IES Electric Inc.** filed a claim during the month of May, 2012, in the amount of \$16,903.00 for alleged damage to panel by L.E.S. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

**Gary and Maureen Gilmour** filed a claim during the month of May, 2012, in the amount of \$5,830.38 for damages incurred as the result of a sewer back-up. This claim is under review and is **pending**.

**Glenhaven Homeowners Association** filed a claim during the month of May, 2012, in the amount of \$5,830.38 for damage allegedly incurred to sidewalks, sod and sprinkler system by L.E.S. equipment. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

**Rebekah Clark** filed a claim during the month of May, 2012, 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**.

**Retzlaff Farms, Inc.** filed a claim during the month of May, 2012, in the amount of \$497.55 for alleged damage to irrigation pipe by L.E.S. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

**Tim Baker** filed a claim during the month of May, 2012, in the amount of \$1,150.00 for damage allegedly incurred to driveway as the result of snow removal activity. This claim is under review and is **pending**.

**Sandra Ellis** filed a claim during the month of May, 2012, in the amount of \$1,578.39 for medical expenses allegedly incurred as the result of fall on sidewalk. This claim is under review and is **pending**.

**Helmsman Management Services Inc. (Third-Party Administrator for United Parcel Service)** filed a claim during the month of May, 2012, in the amount of \$7,124.02 for damage incurred to UPS truck as the result of an accident involving a StarTran bus. This claim is under review and is **pending**.

**North Creek Villas Townhouse Association** filed a claim during the month of May, 2012, in the amount of \$185.78 for damage allegedly incurred to sprinkler system during installation of street light. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

**Cynthia Gustafson** filed a claim during the month of May, 2012, in an unspecified amount for alleged injury incurred while claimant was a passenger on a StarTran bus. This claim is under review and is **pending**.

**FARA Insurance Services, workers compensation administrator for the State of Nebraska,** filed a subrogation claim during the month of May, 2012, for benefits paid on behalf of Jacelyn Sharp for injury incurred as the result of fall on sidewalk. This claim is under review and is **pending**.

#### **NEW CLAIMS FILED JUNE 1 THROUGH JUNE 14, 2012:**

**Betty Rollf** filed a claim in an unspecified amount for injury allegedly incurred as the result of fall on sidewalk. This claim is under review and is **pending**.

**Jacqueline Robertson** filed a claim in an unspecified amount for alleged injury incurred when claimant was struck by a City vehicle while operating a motorized scooter in a crosswalk. This claim is under review and is **pending**.

**Racheal Montgomery** filed a claim in an unspecified amount for alleged injury incurred when claimant was a passenger on a motorized scooter that was operated by her mother, Jacqueline Robertson, when it was struck by a City vehicle in a crosswalk. This claim is under review and is **pending**.

**Darin Beckley** filed a claim in an unspecified amount for alleged injury incurred while claimant was a passenger on a StarTran bus that was involved in an accident. This claim is under review and is **pending**.

**Michael Hurley** filed a claim in the amount of \$872.26 for damage incurred to vehicle when LES personnel was removing a tree branch from a power line and the branch fell on claimant's vehicle. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

**Timothy A. Gutz** filed a claim in the amount of \$807.00 for damage incurred to doors of rental property during the execution of a "no knock" search warrant. This claim is under review and is **pending**.

**PENDING TORT LITIGATION:**

**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**.

**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**.

**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**.

**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 was withdrawn and suit was filed in the Lancaster County District Court on May 1, 2012. Litigation is **pending**.

**Douglas Chones** filed a claim and **Allstate Insurance Company** filed a subrogation claim in the amount of \$4,933.41 for damage incurred to vehicle as the result of a motor vehicle accident involving a City vehicle. Claims were reviewed by this office and denials were approved by the Lincoln City Council. Suit has been filed in the Lancaster County Court. Litigation is **pending**.

Submitted by City Law Department  
c: Risk Management