

**Exhibit "A"**

March 1, 2013

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

RE: Report of Claims Against the City of Lincoln for February 16 through February 28, 2013

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 February 16 through February 28, 2013. This report will describe the claims and the dispositions or status of these claims.

**DENIED CLAIMS:**

**The Hartford Insurance Group, as subrogee of Insureds, Francis and LeaAnn Pytlik** filed a subrogation claim during the month of August, 2012, in the amount of \$1,588.42 for damage incurred to Insured's vehicle when it was allegedly struck by a gate at a City parking garage. This claim has been reviewed by this office and has been **denied**.

**Barbara Dowse** filed a claim during the month of December 2012, in the amount of \$20,927.59 for injury allegedly incurred as the result of fall on ice in parking lot at Eiseley Library. This claim has been reviewed by this office and has been **denied**.

**Michael Lecher** filed a claim during the month of December 2012, in the amount of \$250,000.00 alleging that Lincoln police officers used excessive force when arresting him. This claim has been reviewed by this office and has been **denied**.

**Ed and Barb Newell** filed a claim during the month of February, 2013, in the amount of \$180.00 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**.

**Darrin and Christine Vidal-Fulford** filed a claim during the month of February, 2013, in an unspecified amount for damage allegedly incurred to sod and sprinklers as the result of snow removal activity. This claim is under review and is **pending**.

**Bruce D. Davidson** filed a claim during the month of February, 2013, in the amount of \$5,505.00 for damage incurred to door as the result of action by Lincoln Fire personnel. This claim has been reviewed by this office and has been **denied**.

**Clinton Schlake** filed a claim during the month of February, 2013, in the amount of \$35.00 for damage allegedly incurred to sod as the result of snow removal activity. This claim has been reviewed by this office and has been **denied**.

**FARA Insurance Service, Third Party Administrator for State of Nebraska/DHHS** filed a subrogation claim during the month of February, 2013, for workers compensation benefits paid on behalf of Karen Reese who was allegedly injured when she tripped and fell on sidewalk. This claim has been reviewed by this office and has been **denied**.

**Brent and Kendra Schleicher** filed a claim during the month of February, 2013, in the amount of \$60.00 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**.

**Cathy Wilbrand** filed a claim during the month of February, 2013, in the amount of \$24.59 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**.

**David Amstutz** filed a claim during the month of February, 2013, in an unspecified amount filed a claim for damage allegedly incurred to sod and sprinklers as the result of snow removal activity. This claim has been reviewed by this office and has been **denied**.

**Drew Hoffmeyer** filed a claim during the month of February, 2013, in the amount of \$1,243.29 for damage allegedly incurred to vehicle as the result of a pothole. This claim has been reviewed by this office and has been **denied**.

**Vanessa Wasser** filed a claim during the month of February, 2013, in the amount of \$40.00 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**.

**Brad Koch** filed a claim during the month of February, 2013, in the amount of \$178.42 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**.

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

**Cynthia Bartlett** filed a claim during the month of November, 2012, in the amount of \$21,515.64 for damages 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 \$18,206.24.

**David Martin** filed a claim during the month of February, 2013, in the amount of \$2,458.92 for damage incurred to vehicle when struck by a City snowplow. This claim has been **settled** by the Risk Management Office in the amount of \$1,700.00.

**Black Hills Energy** filed a claim during the month of February, 2013, in the amount of \$465.51 for gas loss incurred at 2400 Theresa Street when gas line was struck during sludge line repair. This claim has been reviewed by this office and has been **allowed** in the amount of \$465.51.

**Chris Plock** filed a claim during the month of February, 2013, in the amount of \$502.52 for damage incurred to his vehicle when struck by an L.E.S. vehicle. This claim has been reviewed by this office and has been **allowed** in the amount of \$502.52.

#### **PENDING CLAIMS:**

**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**.

**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**.

**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**.

**Don and Shirley Kringel** filed a claim during the month of December, 2011, in an unspecified amount for alleged damages incurred as the result of a sanitary sewer back-up. 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**.

**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. **Pharmacists Mutual Insurance Company, as subrogee of Insured, Jon Novak** filed a subrogation claim in the amount of \$17,816.27 for repair of Insured's 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**.

**Armond Schommer** filed a claim during the month of April, 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 April, 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 April, 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**.

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

**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**.

**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**.

**Jacqueline Robertson** filed a claim during the month of June, 2012, 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 during the month of June, 2012, 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**.

**Leonard Hill** filed a claim during the month of June, 2012, in the amount of \$2,178.23 for expenses incurred for repair of water service which claimant alleges was caused by storm sewer installation and subsequent improper repair of water service. This claim is under review and is **pending**.

**Praxis Consulting on behalf of Homesite Group as subrogee of Patrick Campbell** filed a subrogation claim during the month of July, 2012, in the amount of \$2,913.37 for damage allegedly incurred to insured's property as the result of an electrical box fire. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

**Angela Schmohr** filed a claim during the month of July, 2012, in the amount of \$175,000 for alleged injury incurred as the result of accident involving a police vehicle. This claim is under review and is **pending**.

**Sharon Joyce** filed a claim during the month of July, 2012, in an unspecified amount for injury incurred when claimant allegedly fell due to a hole in grass near street. This claim is under review and is **pending**.

**Priestcellius R. Brown Jr.** filed a claim during the month of July, 2012, in the amount of \$25,000 for alleged injury incurred as the result of an accident involving police vehicles. **Priestcellius Brown Sr.** filed a separate claim for medical expenses incurred for his son arising from the accident. These claims are under review and **pending**.

**Gale and Bernice Sup** filed a claim during the month of July, 2012, in the amount of \$198,000 for alleged damages incurred as the result of a water main break. This claim is under review and is **pending**.

**The Hitchin' Post of Lincoln, Inc.** filed a claim during the month of July, 2012, in the amount of \$317,943.51 for alleged damages incurred as the result of a water main break. This claim is under review and is **pending**.

**Todd Burklund** filed a claim during the month of July, 2012, in the amount of \$774.00 for damages allegedly incurred to property due to downed power lines. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

**Christopher Hepburn** filed a claim during the month of August, 2012, in the amount of \$200,000 for injury incurred when claimant lost control of his bicycle due to alleged unsafe condition of bike trail. This claim is under review and is **pending**.

**Marilyn Ward** filed a claim during the month of August, 2012, in an unspecified amount for alleged injury incurred when claimant fell at the Northeast Senior Center. This claim is under review and is **pending**.

**Continental Western Group, as subrogee of Insured, BGNE, Inc.** filed a subrogation claim during the month of September, 2012, for worker's compensation benefits paid on behalf of Insured's employee, Travis Birkett, who was allegedly injured as the result of a motor vehicle accident involving an Animal Control vehicle. This claim is under review and is **pending**.

**Adela Chavira** filed a claim during the month of October, 2012, in the amount of \$200.00 for medical expenses allegedly incurred as the result of fall on StarTran bus. This claim is under review and is **pending**.

**Clinton Brooks** filed a claim during the month of October, 2012, in the amount of \$100,000 on behalf of his minor children, Clinton Brooks III and Clayton Brooks, for alleged false arrest. This claim is under review and is **pending**.

**Cynthia Gustafson** filed a claim during the month of November, 2012, in the amount of \$17,000 for alleged injury incurred while claimant was a passenger on a StarTran bus. This claim is under review and is **pending**.

**Adela Chavira** filed a claim during the month of November, 2012, in the amount of \$34.99 for damage allegedly incurred to cart when exiting a StarTran bus. This claim is under review and is **pending**.

**Nationwide Insurance as subrogee of Tepantla Corp. d/b/a Mazatlan** filed a claim during the month of December 2012, in the amount of \$2,355.31 for damage allegedly incurred to heat exchanger due to power surge. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

**Chad Essink** filed a claim during the month of December 2012, in the amount of \$200.00 for damage allegedly incurred to drain tile by L.E.S. personnel. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

**Steve Sall** filed a claim during the month of December 2012, in the amount of \$4,237.14 for damage allegedly incurred as the result of a sewer back-up. This claim is under review and is **pending**.

**Steven E. Cople** filed a claim during the month of December 2012, in an unspecified amount for vehicle sold at police auction. This claim is under review and is **pending**.

**James Hershberger** filed a claim during the month of December 2012, in the amount of \$450.00 for damage allegedly incurred to voicemail phone system during power outage. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

**Tari K. Miller** filed a claim during the month of December 2012, in an unspecified amount for damages incurred when claimant's vehicle was struck by a vehicle that was allegedly being pursued by Lincoln police. This claim is under review and is **pending**.

**Matthew B. Soderquist** filed a claim during the month of December 2012, in an unspecified amount for damages incurred when vehicle claimant was passenger in was struck by a vehicle that was allegedly being pursued by Lincoln police. This claim is under review and is **pending**.

**Paul T. Moeller** filed a claim during the month of December 2012, in the amount of \$1,498.00 for damage allegedly incurred to trees due to trenching by L.E.S. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

**Doug Beran** filed a claim during the month of December 2012, in the amount of \$98.08 for reimbursement of tow fees. This claim is under review and is **pending**.

**Ken and Arlys Reitan** filed a claim during the month of January, 2013, in the amount of \$293.24 for damage incurred to electric meter by L.E.S. personnel. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

**Jeremy Hoshor** filed a claim during the month of February, 2013, in an unspecified amount for injury incurred at Belmont Recreation Center. This claim is under review and is **pending**.

**John Baker** filed a claim during the month of February, 2013, in the amount of \$245.00 for damage allegedly incurred to driveway as the result of water main break. This claim is under review and is **pending**.

**Teresa Johnson** filed a claim during the month of February, 2013, for injury incurred as the result of fall at Antelope Park. It has been determined that the location of claimant's fall was at the site of an L.E.S. project and under the control of L.E.S. and its contractor, therefore, this claim is **pending** review and ratification by the L.E.S. Administrative Board.

**Kristina Russell** filed a claim during the month of February, 2013, in the amount of \$3,449.20 for damage incurred to vehicle when it was allegedly struck by a snow plow. This claim is under review and is **pending**.

**Black Hills Energy** filed a claim during the month of February, 2013, in the amount of \$994.97 for gas loss incurred at 1601 Cushman when gas line was struck during water main repair. This claim is under review and is **pending**.

**Sheridan Place Condo Association** filed a claim during the month of February, 2013, in the amount of \$4,678.00 for damage allegedly incurred to sewer service when underground electrical lines were installed. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

**Gallagher Bassett Services as subrogee of United Parcel Service** filed a subrogation claim during the month of February, 2013, in an unspecified amount for workers compensation benefits paid on behalf of John Sharkey who was injured as the result of a motor vehicle accident involving a StarTran handi-van. Mr. Sharkey was operating a UPS truck when it was rear-ended by the StarTran handivan. This claim is under review and is **pending**.

**Visionscapes** filed a claim during the month of February, 2013, in the amount of \$466.00 for damage allegedly incurred to storm sewer during installation of underground power lines. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

**Linh Ba Nicolas Nguyen** filed a claim during the month of February, 2013, in an unspecified amount seeking compensation for physical and mental damages and loss of property. This claim is under review and is **pending**.

#### **NEW CLAIMS FILED FEBRUARY 16 THROUGH FEBRUARY 28, 2013:**

**Jean Keister** filed a claim in the amount of \$889.50 for damage allegedly incurred to water pipes when water was turned on after water main break. This claim is under review and is **pending**.

**Virginia Vice** filed a claim in an unspecified amount for injury allegedly incurred when claimant was a passenger on a StarTran bus. This claim is under review and is **pending**.

**State Farm Insurance as subrogee of Floyd Brown** filed a subrogation claim in an unspecified amount for damages incurred as the result of accident involving insured's vehicle and a StarTran bus. This claim is under review and is **pending**.

**Paul Wirthele on behalf of his son Austin Wirthele** filed a claim in the amount of \$7,783.19 for damages incurred as the result of accident involving a police vehicle. This claim is under review and is **pending**.

**Steven Edwards** filed a claim in the amount of \$875.26 for expense incurred as the result of sewer back-up. 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. Suit was filed 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. Suit was filed 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. Suit was filed 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 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 and suit was filed in the Lancaster County District Court on June 13, 2011. 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**.

**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 was reviewed by this office and denial was approved by the Lincoln City Council on August 13, 2012. Suit was filed in the Lancaster County District Court on August 31, 2012. Litigation is **pending**.

**Candace Polfus, individually and on behalf of her minor child, Robert M. Polfus**, filed a claim in February, 2012, in the amount of \$50,000 for alleged injury incurred to Robert Polfus at Uni Pool on July 6, 2011. This claim was reviewed by this office and denial was approved by the Lincoln City Council on July 30, 2012. Suit was filed in the Lancaster County Court on September 10, 2012. Litigation 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 was withdrawn and suit was filed in the Lancaster County District Court on September 25, 2012. Litigation 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 was withdrawn and suit was filed in the Lancaster County District Court on December 11, 2012. The case has been transferred to the U.S. District Court. Litigation is **pending**.

**Clinton Brooks** filed a claim during the month of August, 2012, in an unspecified amount alleging that a Lincoln police officer did not cite an individual who allegedly pushed him. This claim was reviewed by this office and denial was approved by the Lincoln City Council on August 27, 2012. Suit was filed in the Lancaster County District Court. Litigation is **pending**.

Submitted by City Law Department  
c: Risk Management