

## Exhibit "A"

July 1, 2014

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

RE: Report of Claims Against the City of Lincoln for June 16 through June 30, 2014

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 16 through June 30, 2014. This report will describe the claims and the dispositions or status of these claims.

### **DENIED CLAIMS:**

**Jason Killingsworth** filed a claim during the month of May, 2014, in the amount of \$599.99 for handgun destroyed by Police Property. This claim has been reviewed by this office and has been **denied**.

**Chuck Dreesen** filed a claim during the month of May, 2014, in the amount of \$3,101.38 for expense incurred relating to sewer service and repair. This claim has been reviewed by this office and has been **denied**.

**Kent and Barbara Sprague** filed a claim during the month of May, 2014, in the amount of \$1,000 for alleged damage incurred to tree during street widening project. This claim has been reviewed by this office and has been **denied**.

**Connie Johnson** filed a claim during the month of June, 2014, in the amount of \$798.39 for damage allegedly incurred to her vehicle as the result of a pothole. This claim has been reviewed by this office and has been **denied**.

**Ted Thieman** filed a claim during the month of June, 2014, in the amount of \$293.53 for damage incurred to door of rental property as the result of action by Lincoln police during the execution of a search warrant. This claim has been reviewed by this office and has been **denied**.

**Rebecca Buhr** filed a claim during the month of June, 2014, in the amount of \$520.00 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**.

**Jin Seok** filed a claim during the month of June, 2014, in an unspecified amount for damage incurred to vehicle when it was struck by an individual who was resisting arrest. This claim has been reviewed by this office and has been **denied**.

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

**Joni Carmichael** filed a claim during the month of June, 2014, in the amount of \$106.71 for damage incurred to gate when police officers were pursuing a robbery suspect. This claim has been reviewed by this office and has been **allowed** in the amount of \$106.71.

**Kimberly Romine** filed a claim during the month of June, 2014, in the amount of \$11,000 for damage incurred to vehicle as the result of accident involving a City vehicle operated by a UNL police officer. This claim has been **settled** by the Risk Management Office in the amount of \$4,065.00.

**Tylandra Tate** filed a claim during the month of June, 2014, in the amount of \$481.49 for damage incurred to cellular phone as the result of action by Lincoln police officer. This claim has been reviewed by this office and has been **allowed** in the amount of \$481.49.

**Lisa Busse** filed a claim during the month of June, 2014, in the amount of \$298.36 for damage incurred to vehicle when it was struck by a StarTran bus. This claim has been **settled** by the Risk Management Office in the amount of \$298.36.

**Connie Pratt** filed a claim during the month of June, 2014, in the amount of \$1,086.37 for damage incurred to vehicle as the result of accident involving a StarTran bus. This claim has been **settled** by the Risk Management Office in the amount of \$1,086.37.

**Roger Duerr** filed a claim during the month of June, 2014, in the amount of \$426.00 for damage incurred to door of rental property as the result of action by Lincoln police 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 \$426.00.

#### **DISPOSITIONS OF L.E.S. CLAIMS:**

**Robert T. Murray** filed a claim during the month of April, 2013, in an unspecified amount for damage incurred to sod by L.E.S. equipment. This claim has been **settled** in the amount of \$100.00.

**Phoenix Loss Control on behalf of Time Warner** filed a claim during the month of October, 2013, in the amount of \$1,743.27 for damage incurred to underground cable when it was struck by an L.E.S. contractor. This claim was referred to the L.E.S. contractor for resolution and the claim against L.E.S. has been **denied**.

**Anthony Baumert and Angela Boule** filed a claim during the month of December, 2013, in the amount of \$1,580.00 for damage allegedly incurred to sewer line as the result of trenching by L.E.S. personnel. This claim has been **denied**.

**Black Hills Energy** filed a claim during the month of January, 2014, in the amount of \$292.58 for damage incurred to gas line during excavation by L.E.S. This claim has been **allowed** in the amount of \$292.58.

**Miller-Long V.F.W. Post 3606** filed a claim during the month of February, 2014, in the amount of \$2,112.09 for damage allegedly incurred to electrical equipment due to power surges. This claim has been **denied**.

**Phoenix Loss Control on behalf of Time Warner Cable** filed a claim during the month of February, 2014, in the amount of \$438.75 for damage incurred to underground cable when it was struck by an L.E.S. contractor. This claim was referred to the L.E.S. contractor for resolution and the claim against L.E.S. has been **denied**.

**Phoenix Loss Control on behalf of Time Warner Cable** filed a claim during the month of February, 2014, in the amount of \$3,384.08 for damage allegedly incurred to cable during installation of street lights by L.E.S. This claim has been **denied**.

**Kyle Fischer** filed a claim during the month of February, 2014, in the amount of \$234.89 for repair of electrical power incurred as the result of L.E.S. equipment failure. This claim has been **allowed** in the amount of \$234.89.

**Manzitto Bros.** filed a claim during the month of March, 2014, in the amount of \$1,600.00 for repair of stop box that was damaged during trenching by L.E.S. This claim has been **allowed** in the amount of \$1,600.00.

**Phoenix Loss Control on behalf of Time Warner Cable** filed a claim during the month of April, 2014, in the amount of \$645.93 for damage incurred to underground cable by L.E.S. This claim has been **allowed** in the amount of \$645.93.

**Norman Brooks** filed a claim during the month of April, 2014, in the amount of \$281.25 for cost of electrician after L.E.S. shut off electrical service to home. This claim has been **denied**.

**PENDING CLAIMS:**

**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**.

**State Farm Insurance as subrogee of Floyd Brown** filed a subrogation claim during the month of February, 2013, in an unspecified amount for medical benefits paid as the result of an accident involving a StarTran bus. This claim is under review and is **pending**.

**Dixie Koch** filed a claim during the month of April, 2013, in an unspecified amount for injury allegedly incurred when she tripped on a sign that was lying on sidewalk. This claim is under review and is **pending**.

**Titus DeBoer** filed a claim during the month of April, 2013, in an unspecified amount for damage allegedly incurred to tire as the result of a pothole. This claim is under review and is **pending**.

**Dean and Lynda O'Connell** filed a claim during the month of May, 2013, in the amount of \$513.60 for damage allegedly incurred to sod and sprinkler by City Water personnel. This claim is under review and is **pending**.

**Carla Brassell** filed a claim during the month of July, 2013, in the amount of \$25,000 for injury allegedly incurred when claimant fell on ice outside the Lincoln Children's Museum. This claim is under review and is **pending**.

**Jeffrey L. Kirkland** filed a claim during the month of July, 2013, in the amount of \$1,966.21 for medical billings incurred when claimant was taken to hospital by Lincoln police. This claim is under review and is **pending**.

**Travis Hoveling** filed a claim during the month of November, 2013, in an unspecified amount for damages incurred as the result of an accident that occurred in the roundabout at 14th and Superior. Claimant alleges that the accident was proximately caused by the negligent development, construction, improvements, regulations and operation of the roundabout by the City. This claim is under review and is **pending**.

**James McCown** filed a claim during the month of December, 2013, in an unspecified amount for damage incurred to vehicle when allegedly struck by either a Lincoln Electric System vehicle or a Lincoln Water System vehicle. This claim is under review and is **pending**.

**Shawnadee and Mark Morris** filed a claim during the month of January, 2014, in an unspecified amount for damages incurred as the result of water main break. This claim is under review and is **pending**.

**Jordan Kaiser** filed a claim during the month of January, 2014, in an unspecified amount for damage incurred as the result of water main break. This claim is under review and is **pending**.

**Doralu Streeter** filed a claim during the month of January, 2014, in an unspecified amount for injury allegedly incurred when claimant fell on the 10th Street pedestrian overpass. This claim is under review and is **pending**.

**Shere Lynn Sieckmeyer** filed a claim during the month of February, 2014, in an unspecified amount for injury allegedly incurred as the result of fall on sidewalk. This claim is under review and is **pending**.

**Jerry Spale** filed a claim during the month of February, 2014, in the amount of \$21,500 for alleged injury incurred when claimant was a passenger on a StarTran bus that was involved in a motor vehicle accident. This claim is under review and is **pending**.

**Jeffrey and April Morrison** filed a claim during the month of February, 2014, in the amount of \$7,259.00 for damage incurred as the result of water main break. This claim is under review and is **pending**.

**Shayla Funk** filed a claim during the month of March, 2014, in the amount of \$1,200,000 alleging she was falsely arrested by Lincoln police. This claim is under review and is **pending**.

**Bert Gaines, Betty Gaines and Jabar Laramore** filed a claim during the month of March, 2014, in an unspecified amount for alleged injuries incurred as the result of accident involving an L.E.S. vehicle. This claim is under review and is **pending**.

**Jennifer Woodard and Joseph Rolenc** filed a claim during the month of March, 2014, in an unspecified amount for damages incurred when overhead traffic signal pole fell on claimants' vehicle. **Farmers Insurance** filed a subrogation claim for medical benefits paid on behalf of Jennifer Woodard who was operating the vehicle at the time of the incident. These claims are under review and **pending**.

**Troy Hough** filed a claim during the month of April, 2014, in the amount of \$175.00 for damage allegedly incurred to fence when struck by L.E.S. equipment. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

**Cheever Construction** filed a claim during the month of April, 2014, in the amount of \$85,526.00 for payment of roof repair at 6117 Havelock Avenue resulting from Urban Development loan activities involving the property. This claim is under review and is **pending**.

**Maureen Ellis** filed a claim during the month of April, 2014, in an unspecified amount for damage incurred as the result of water main break. This claim is under review and is **pending**.

**Tyler McManaman** filed a claim during the month of May, 2014, in the amount of \$374,968.00 for injury incurred when claimant was arrested by Lincoln police. This claim is under review and is **pending**.

**Lindsay Kracman and Jordon Khedir** filed a claim during the month of May, 2014, in the amount of \$142.00 for cost of electrician to diagnose problem with L.E.S. service. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

**Bill Chaney** filed a claim in the amount of \$1,616.74 during the month of May, 2014, for damage incurred to vehicle when struck by a gate at Highlands Golf Course parking lot. This claim is under review and is **pending**.

**Diane Carson** filed a claim during the month of May, 2014, in the amount of \$284.21 for damage allegedly incurred to vehicle as the result of displaced manhole cover in street. This claim is under review and is **pending**.

**Thomas Wilson** filed a claim during the month of May, 2014, in the amount of \$1,054.59 for damage allegedly incurred to vehicle as the result of displaced manhole cover in street. This claim is under review and is **pending**.

**Tobias Pelaez, Personal Representative of Estate of Fernando Pelaez Carmona** filed a claim during the month of May, 2014, in the amount of \$1,000,000 alleging the death of Fernando Pelaez Carmona was caused by custodial conditions occurring during the time of his arrest by Lincoln police and his incarceration at the Lancaster County Correctional Center. This claim is under review and is **pending**.

**Gretchen and Cory Hess** filed a claim during the month of May, 2014, in the amount of \$505.00 for damage allegedly incurred to underground sprinkler system when electrical power lines were buried by L.E.S. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

**Joshua Ryan Cozine and Anthony Charles Turner** filed a claim during the month of May, 2014, in the amount of \$15,000 for alleged damages incurred as the result of actions by Library personnel. This claim is under review and is **pending**.

**Kirk Botts** filed a claim during the month of May, 2014, in the amount of \$150,000 alleging he was assaulted and illegally arrested by Lincoln police officers. This claim is under review and is **pending**.

**Frank Oslzly** filed a claim during the month of June, 2014, in the amount of \$25,000 alleging intentional infliction of emotional distress by employees of the City of Lincoln. This claim is under review and is **pending**.

**Maurice Moore** filed a claim during the month of June, 2014, in the amount of \$150,000 alleging illegal and discriminatory arrest and detention when he was arrested. This claim is under review and is **pending**.

**Bonnie Phillips** filed a claim during the month of June, 2014, in the amount of \$297.00 for damage incurred to fence when L.E.S. was trimming a tree and branch fell on fence. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

**Nationwide Insurance as subrogee of Donald Flamme** filed a claim during the month of June, 2014, in the amount of \$3,307.95 for damage incurred to insured's vehicle and medical benefits paid as the result of accident involving a police vehicle. This claim is under review and is **pending**.

**Global Recovery Services as recovery agent for Ins. Co. of the State of Penn. as subrogee for RFG Distributing** filed a claim during the month of June, 2014, in the amount of \$7,200.25 for damage incurred to vehicle as the result of accident involving a City snowplow. This claim is under review and is **pending**.

#### **NEW CLAIMS FILED JUNE 16 THROUGH JUNE 30, 2014:**

**Union Bank and Trust** filed a claim in the amount of \$2,170.57 for damage incurred to conduits and data lines to ATM which were allegedly cut by L.E.S. while installing new poles. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

**MetLife as subrogee of John and Linda Thompson** filed a claim in the amount of \$1,958.81 for damage incurred to insured's vehicle as the result of a fallen tree branch. This claim is under review and is **pending**.

**Christopher Deal** filed a claim in the amount of \$125.00 for damage allegedly incurred to wooden play structure located on claimant's property as the result of road construction on Old Cheney Road. This claim is under review and is **pending**.

**Trinity United Methodist Church** filed a claim in the amount of \$325.18 for damage allegedly incurred to sprinkler system as the result of sidewalk repair project. This claim is under review and is **pending**.

**Barbara Rutt** filed a claim in an unspecified amount for medical expenses incurred as the result of an accident involving a StarTran bus. **Farmers Mutual** filed a subrogation claim for medical payments made on behalf of Barbara Rutt as a result of the accident. These claims are under review and are **pending**.

**Mary Eisenhart** filed a claim in the amount of \$10,817.74 for damage allegedly incurred to property as the result of the "re-engineering of the drainage area" near claimant's property in 2012. This claim is under review and is **pending**.

**Brian Dolph** filed a claim in the amount of \$1,450.00 for damage allegedly incurred to driveway when a fire truck drove over it. This claim is under review and is **pending**.

**Trumbull Services on behalf of General Casualty as subrogee of Steven and Lorene Bantos** filed a subrogation claim in the amount of \$427.18 for damage incurred to insured's vehicle as the result of an accident involving a City vehicle operated by a UNL police officer. This claim is under review and is **pending**.

**Black Hills Energy** filed a claim in the amount of \$737.21 for damage allegedly incurred to gas line when it was struck by Water Department. This claim is under review and is **pending**.

**Black Hills Energy** filed a claim in the amount of \$488.03 for damage allegedly incurred to gas line when it was struck by Public Works. This claim is under review and is **pending**.

#### **PENDING TORT LITIGATION:**

**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. 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. 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. 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. This claim was withdrawn and suit was filed in the Lancaster County District Court. The case has been transferred to the U.S. District Court. Litigation is **pending**.

**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. Suit was filed in the Lancaster County District Court. Litigation is **pending**.

**Leroy Duffie** filed a claim during the month of August, 2012, in the amount of \$200,000 alleging that he was injured during an incident involving Lincoln police. This claim was withdrawn and suit was filed in Lancaster County District Court. The case has been transferred to the U.S. District Court. Litigation is **pending**.

**Ben and Leigh Lewis on behalf of Nathan Lewis** filed a claim during the month of October, 2012, in the amount of \$220,000 for injury incurred when Nathan Lewis was riding his bicycle on railroad bridge at Wilderness Park and the wheel of his bicycle got caught between two railroad ties causing him to fall. This claim was reviewed by this office and denial was approved by the Lincoln City Council on February 25, 2013. Suit was filed in the Lancaster County District Court. Litigation is **pending**.

**State Farm Insurance as subrogee of Insured, David Tarrence** filed a claim during the month of October, 2012, in the amount of \$17,615.65 for damage incurred to Insured's truck when it collided with an alleged low hanging tree limb. This claim was reviewed by this office and denial was approved by the Lincoln City Council on February 25, 2013. Suit was filed in the Lancaster County District Court. Litigation is **pending**.

**Dawn Amory** filed a claim during the month of November, 2012, in the amount of \$250,000 for alleged injury incurred as the result of trip and fall on sidewalk. This claim was reviewed by this office and denial was approved by the Lincoln City Council on December 17, 2012. Suit was filed in the Lancaster County District Court. Litigation is **pending**.

**Michael Lecher** filed a claim during the month of December, 2012, in the amount of \$250,000 alleging that Lincoln police officers used excessive force when arresting him. This claim was reviewed by this office and denial was approved by the Lincoln City Council on March 25, 2013. Suit was filed in Lancaster County District Court. Litigation is **pending**.

**Nationwide Insurance Co. as subrogee of Insured, James and Marti Harris** filed a claim during the month of April, 2013, in the amount of \$9,799.42 for damage incurred to Insured's vehicle as the result of accident involving a police vehicle. This claim was reviewed by this office and denial was approved by the Lincoln City Council on June 17, 2013. Suit was filed in Lancaster County Court. Litigation is **pending**.

**Nicole Ulm** filed a claim during the month of April, 2013, in the amount of \$200,000 for alleged damages incurred as the result of an accident involving a vehicle that was being operated by an individual who was fleeing from Police. This claim was withdrawn and suit was filed in the Lancaster County District Court. Litigation is **pending**.

**Matthew Thomas** filed a claim during the month of March, 2013, in an unspecified amount for damages incurred as the result of accident involving a Public Works vehicle. Suit was filed in the Lancaster County District Court. Litigation is **pending**.

**Stephanie Bussinger** filed a claim during the month of March, 2013, in an unspecified amount for alleged injury incurred as the result of accident involving a Public Works vehicle. Suit was filed in the Lancaster County District Court. Litigation is **pending**.

**John Crow** filed a claim during the month of October, 2012, in the amount of \$200,000 alleging that he was misclassified as an independent contractor and wrongfully terminated from his position as the PGA Professional for the Holmes Golf Course. This claim was reviewed by this office and denial was approved by the Lincoln City Council on November 19, 2012. Suit was filed in Lancaster County Court. Litigation is **pending**.

Submitted by City Law Department  
c: Risk Management