

Exhibit "A"

July 16, 2014

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

RE: Report of Claims Against the City of Lincoln for July 1 through July 15, 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 July 1 through July 15, 2014. This report will describe the claims and the dispositions or status of these claims.

DENIED CLAIMS:

Foch L. Clark filed a claim during the month of July, 2014, in the amount of \$7,178.66 for damage incurred to vehicle as the result of a fallen tree branch. This claim has been reviewed by this office and has been **denied**.

ALLOWED/SETTLED CLAIMS:

Barbara Rutt filed a claim during the month of June, 2014, in an unspecified amount for medical expenses incurred as the result of an accident involving a StarTran bus. **Farmers Mutual** filed a subrogation claim in the amount of \$1,000 for medical payments made on behalf of Barbara Rutt as a result of the accident. These claims have been **settled** in the amount of \$1,000.00 to Farmers Mutual and \$609.20 to BryanLGH Medical Center.

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**.

Union Bank and Trust filed a claim during the month of June, 2014, 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 during the month of June, 2014, 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 during the month of June, 2014, 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 during the month of June, 2014, 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**.

Mary Eisenhart filed a claim during the month of June, 2014, 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 during the month of June, 2014, 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 during the month of June, 2014, 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 during the month of June, 2014, 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 during the month of June, 2014, 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**.

NEW CLAIMS FILED JULY 1 THROUGH JULY 15, 2014:

William and DeLoyce Harris filed a claim in the amount of \$3,009.00 for damages allegedly incurred as the result of the execution of a "no knock" warrant by Lincoln police. This claim is under review and is **pending**.

Jack Sukovaty filed a claim in the amount of \$496.23 for damage allegedly incurred as the result of sewer back-up. This claim is under review and is **pending**.

Willie Lee Morris IV filed a claim in the amount of \$508.29 for damage allegedly incurred to vehicle as the result of a pothole. This claim is under review and is **pending**.

Shoemaker's Travel Center filed a claim in the amount of \$618.15 for damage allegedly incurred to conduits 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.

Phoenix Loss Control on behalf of Time Warner filed a claim in the amount of \$2,472.07 for damage allegedly incurred to cable by L.E.S. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

Van Coker filed a claim in the amount of \$774.00 for damage allegedly incurred to fence by L.E.S. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

Lydell Otley filed a claim in the amount of \$100.00 for damage allegedly incurred to sprinkler system by L.E.S. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

Airgas USA, LLC filed a claim in the amount of \$204.48 for damage allegedly incurred to sprinkler system by L.E.S. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

Darwin Seeba filed a claim in the amount of \$6,050.25 for damages allegedly incurred as the result of sewer back-up. 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