

Exhibit "A"

May 1, 2017

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

RE: Report of Claims Against the City of Lincoln for April 16 through April 30, 2017

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 April 16 through April 30, 2017. This report will describe the claims and the dispositions or status of these claims.

DENIED CLAIMS:

Loree Havlat filed a claim during the month of April, 2017, in an unspecified amount for injury incurred as the result of motor vehicle accident involving a Lancaster County School District bus. This claim has been reviewed by this office and has been **denied**.

Ryan O'Toole filed a claim during the month of April, 2017, in the amount of \$1,000 for tow of his vehicle. This claim has been reviewed by this office and has been **denied**.

ALLOWED/SETTLED CLAIMS:

Issiah Yott filed a claim during the month of April, 2017, in the amount of \$996.96 for damage incurred to vehicle when struck by a StarTran bus. This claim has been **settled** by the Risk Management Office in the amount of \$996.96.

Derek Case filed a claim during the month of April, 2017, in the amount of \$103.22 for damage incurred to mailbox when struck by L.E.S. truck. This claim has been **settled** by the Risk Management Office in the amount of \$103.22.

Drew and Shanon Ehrisman filed a claim during the month of April, 2017, in the amount of \$266.29 for damage incurred to vehicle when it was struck by a City fire truck. This claim has been **settled** by the Risk Management Office in the amount of \$266.29.

WITHDRAWN CLAIM:

Terry Danek filed a claim during the month of May, 2016, in the amount of \$28,310.35 for damage allegedly incurred as the result of sewer backup on May 7, 2015. This claim has been **withdrawn** and claimant has filed suit in Lancaster County District Court.

PENDING CLAIMS:

Dorothy Oreskovich filed a claim during the month of June, 2015, in the amount of \$10,455.00 for damage allegedly incurred as the result of sewer backup on May 7, 2015. This claim is under review and is **pending**.

Emily Kline filed a claim during the month of August, 2015, in an unspecified amount for alleged injury incurred as the result of trip on sidewalk. This claim is under review and is **pending**.

Antonio Tyrone Williams filed a claim during the month of September, 2015, seeking compensation in the amount of \$10,800 for alleged loss of employment and wages and mental anguish as the result of his arrest and incarceration. This claim is under review and is **pending**.

Farmers Mutual of Nebraska as subrogee of Ward Hoppe LLC filed a subrogation claim during the month of February, 2016, in the amount of \$9,693.56 for damage incurred to insured's property when it was struck by a vehicle operated by an individual who was fleeing arrest. This claim is under review and is **pending**.

Mike Morosin filed a claim during the month of March, 2016, in the amount of \$31,275.00 for personal property removed from claimant's property by the City. This claim is under review and is **pending**.

Alexis Springer filed a claim during the month of April, 2016, in an unspecified amount for damage allegedly incurred as the result of pothole. This claim is under review and is **pending**.

Phoenix Loss Control on behalf of Time Warner Cable filed a claim during the month of May, 2016, in the amount of \$1,844.57 for damage allegedly incurred to cable by L.E.S. contractor. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

Pete Sinica filed a claim during the month of July, 2016, in the amount of \$10,184.15 for damage incurred to sewer line when electrical was placed underground by L.E.S. contractor in 1991-1992. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

Kurt and Nanette Olsen filed a claim during the month of December, 2016, in the amount of \$4,403.27 for damages allegedly incurred to vehicle and gutter as the result of fallen tree limbs. This claim is under review and is **pending**.

St. Mark's UMC filed a claim during the month of February, 2017, in the amount of \$1,484.73 for damage allegedly incurred to security panel due to L.E.S. activity. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

Michelle Wright filed a claim during the month of February, 2017, in the amount of \$1,600.99 for damage allegedly incurred to vehicle as the result of falling debris from traffic light. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

John Henry's Plumbing filed a claim during the month of February, 2017, in the amount of \$3,122.21 for repair of sewer line at 801 Capitola Drive which was allegedly damaged by L.E.S. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

Nationwide Insurance as subrogee of 126 North 14th Street LLC filed a subrogation claim during the month of March, 2017, in the amount of \$14,267.35 for damage incurred to insured's property as the result of sewer back-up. This claim is under review and is **pending**.

TB Rentals LLC filed a claim during the month of March, 2017, in the amount of \$8,110.87 for damage incurred as the result of sewer back-up. This claim is under review and is **pending**.

Kelly Braswell filed a claim during the month of March, 2017, in the amount of \$383.11 for damage incurred to vehicle as the result of water main break. **State Farm as subrogee of Kelly Braswell** filed a subrogation claim during the month of April, 2017, in the amount of \$2,623.94 for benefits paid as a result of damage incurred to insured's vehicle. This claim is under review and is **pending**.

Farmers Mutual as subrogee of Michael Schaefer filed a subrogation claim during the month of April, 2017, in an unspecified amount for benefits paid on behalf of insured as the result of accident involving a police vehicle. This claim is under review and is **pending**.

John Lefevre filed a claim during the month of April, 2017, in the amount of \$1,000,000 for injury incurred as the result of motor vehicle accident allegedly caused by sudden shutdown of power to traffic lights by L.E.S. at intersection of 70th & Old Cheney. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

Cynthia Swanson filed a claim during the month of April, 2017, in an unspecified amount for damage allegedly incurred to water service line when tree was removed by the City. This claim is under review and is **pending**.

Todd and Gail Wilkinson filed a claim during the month of April, 2017, in the amount of \$4,480.00 for damage incurred to building foundation when L.E.S. installed a pole next to building. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

State Farm Insurance as subrogee of Donald Strait filed a subrogation claim during the month of April, 2017, in the amount of \$5,075.84 for damage incurred to insured's vehicle as the result of accident involving a City vehicle. This claim is under review and is **pending**.

State Farm Insurance as subrogee of Brock Ambroz filed a subrogation claim during the month of April, 2017, in an unspecified amount for medical benefits paid on behalf of insured as the result of accident involving a City vehicle. This claim is under review and is **pending**.

NEW CLAIMS FILED DURING THE PERIOD OF APRIL 16 THROUGH APRIL 30, 2017:

Ally Financial filed a claim in the amount of \$10,631.00 for vehicle sold at auction. This claim is under review and is **pending**.

Craig Gude filed a claim in the amount of \$723.38 for damage incurred to tires and rims as the result of rut on side of roadway at Holmes Golf Course. This claim is under review and is **pending**.

PENDING TORT LITIGATION:

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 has been filed in the Lancaster County Court and litigation is **pending**.

John Craw 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 the Lancaster County District Court. On October 19, 2015, the District Court granted dismissal in favor of the City of Lincoln. Plaintiff has appealed to the Nebraska Court of Appeals. Litigation is **pending**.

Elisa O'Dell and John O'Dell filed a claim during the month of April, 2014, in an unspecified amount for damages incurred as the result of a motor vehicle accident which claimant alleges was caused by malfunctioning traffic signal lights. This claim was reviewed by this office and denial was approved by the Lincoln City Council on April 28, 2014. Suit has been filed in Lancaster County District Court and litigation is **pending**.

Michael Bradstreet filed a claim during the month of April, 2014, in the amount of \$1,000,000 alleging damages incurred as the result of accident involving a fire truck. This claim was reviewed by this office and denial was approved by the Lincoln City Council on May 12, 2014. Suit has been filed in Lancaster County District Court and litigation is **pending**.

David E. Tarrence and Tamara K. Geis filed a claim during the month of April, 2015, in the amount of \$2,700,000 for alleged damages resulting from the search of claimants' home and vehicles by Lincoln police. Suit has been filed in U.S. District Court and litigation is **pending**.

Susan Dermer filed a claim during the month of November, 2014, in the amount of \$10,226.02 for alleged damages incurred as the result of sewer backup on October 1, 2014. This claim was reviewed by this office and denial was approved by the Lincoln City Council on June 29, 2015. Suit has been filed in Lancaster County District Court and litigation is **pending**.

Susan Dermer filed a claim during the month of August, 2015, in the amount of \$44,593.61 for alleged damages incurred as the result of sewer backup on May 7, 2015. This claim was reviewed by this office and denial was approved by the Lincoln City Council on May 2, 2016. Suit has been filed in Lancaster County District Court and litigation is **pending**.

Kathy Girard-Williams and Michael Williams filed a claim during the month of August, 2016, in the amount of \$1,000,000 for alleged injury incurred when Ms. Girard-Williams was riding her bicycle and struck a tree branch hanging over sidewalk. This claim was reviewed by this office and denial was approved by the Lincoln City Council on October 24, 2016. Suit has been filed in Lancaster County District Court and litigation is **pending**.

Barine Deezia filed a claim during the month of April, 2016, in the amount of \$1,000,000 for alleged injuries incurred when claimant was arrested. Suit has been filed in U.S. District Court and litigation is **pending**.

Progressive Insurance as subrogee of Billy Claudio filed a claim during the month of April, 2016, in the amount of \$3,916.32 for damage incurred to insured's vehicle as the result of accident involving a Lincoln Fire and Rescue vehicle. This claim was reviewed by this office and denial was approved by the Lincoln City Council on May 16, 2016. Suit has been filed in Lancaster County Court and litigation is **pending**.

Rose Marie Lunn filed a claim during the month of November, 2016 in an unspecified amount for alleged injury incurred when claimant fell on the North 10th Street Pedestrian Bridge northwest of Memorial Stadium on September 17, 2016. This claim was reviewed by this office and denial was approved by the Lincoln City Council on December 19, 2016. Suit has been filed in Lancaster County District Court and litigation is **pending**.

Terry Danek filed a claim during the month of May, 2016, in the amount of \$28,310.35 for damage allegedly incurred as the result of sewer backup on May 7, 2015. Claimant withdrew his claim and filed suit in Lancaster County District Court. Litigation is **pending**.

Submitted by City Law Department
c: Risk Management