

## Exhibit "A"

June 1, 2017

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

RE: Report of Claims Against the City of Lincoln for May 16 through May 31, 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 May 16 through May 31, 2017. This report will describe the claims and the dispositions or status of these claims.

### **DENIED CLAIMS:**

**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 has been reviewed by this office and has been **denied**.

**Kevin Keith** filed a claim during the month of May, 2017, in the amount of \$250.00 for cell phone that was tagged into police property on December 10, 2015 and destroyed on February 10, 2016. This claim has been reviewed by this office and has been **denied**.

### **LITIGATION SETTLEMENT:**

**Michael Bradstreet** filed a claim during the month of April, 2014, in the amount of \$1,000,000 for alleged damages incurred as the result of a motor vehicle accident involving a City fire truck. This claim was reviewed by this office and denial was approved by the Lincoln City Council on May 12, 2014. Suit was filed in Lancaster County District Court against the City of Lincoln and Tanner Nelson, driver of other vehicle involved in the accident. Farmers Mutual on behalf of its insured Tanner Nelson paid the property damage portion of this claim in the amount of \$5,136.00. All remaining claims have been **settled** in the amount of \$20,000, of which \$19,000 will be paid by the City of Lincoln and \$1,000 by Tanner Nelson.

### **PENDING CLAIMS:**

**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**.

**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.

**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**.

**Ally Financial** filed a claim during the month of April, 2017, 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 during the month of April, 2017, 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**.

**Black Hills Energy** filed a claim during the month of May, 2017, in the amount of \$264.91 for damage allegedly incurred to gas line during excavation with backhoe by L.E.S. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

**Brenda Grgurich** filed a claim during the month of May, 2017, in the amount of \$240.88 for damage allegedly incurred to windshield as the result of fallen tree branch. This claim is under review and is **pending**.

**Walt C. Broer/JB Equestrian Academy** filed a claim during the month of May, 2017, in an unspecified amount for declaratory and injunctive relief relating to Pioneers Park bridge path. This claim is under review and is **pending**.

**Progressive Insurance as subrogee of Janette Eden-Neal** filed a subrogation claim during the month of May, 2017, in the amount of \$5,150.30 for damage allegedly incurred to insured's vehicle as the result of fallen tree branch. This claim is under review and is **pending**.

**Timothy and Connie Brabb** filed a claim during the month of May, 2017, in the amount of \$2,174.96 for alleged damage incurred to rental property as the result of execution of "no knock" warrant by Lincoln police. This claim is under review and is **pending**.

**Susan Klein** filed a claim during the month of May, 2017, in the amount of \$1,000,000 for injury incurred while claimant was attending the Keith Urban concert at Pinnacle Bank Arena. Claimant alleges she was walking through or near the pit area just prior to the concert and her foot came into contact with a metal object protruding in her path causing her to fall. This claim is under review and is **pending**.

**Jason Burcham** filed a claim during the month of May, 2017, in the amount of \$169.22 for damage incurred to vehicle by police service dog while vehicle was parked in parking lot at police garage. This claim is under review and is **pending**.

**George Skorohod** filed a claim during the month of May, 2017, in the amount of \$15,551.25 for damage incurred to mower by a nylon rope that claimant alleges was left in grass on claimant's property after L.E.S. had been working in the area. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

**Windstream** filed a claim during the month of May, 2017, in the amount of \$6,807.53 for damage allegedly incurred to buried cable by L.E.S. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

#### **NEW CLAIMS FILED DURING THE PERIOD OF MAY 16 THROUGH MAY 31, 2017:**

**Jennifer Leonard** filed a claim in an unspecified amount for damage and injury incurred as the result of accident involving a City vehicle. This claim is under review and is **pending**.

**Hannah Johnson** filed a claim in an unspecified amount for damage incurred to tire as the result of pothole. This claim is under review and is **pending**.

**Annette Danczak** filed a claim in the amount of \$2,617.67 for damage incurred to vehicle as the result of fallen tree limb. This claim is under review and is **pending**.

**Vivian Cordell** filed a claim in the amount of \$1,307.70 for damage allegedly incurred to appliances as the result electrical surge. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

**Malika Yadgarova** filed a claim in the amount of \$399.21 for damage incurred to vehicle as the result of street lamp that was laying in the street. This claim is under review and is **pending**.

**Stacey Werth-Sweeney** filed a claim in the amount of \$1,486.09 for damage incurred to vehicle as the result of pothole/debris in street. 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 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 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**.

**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