

Exhibit "A"

February 1, 2018

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

RE: Report of Claims Against the City of Lincoln for January 16 through January 31, 2018

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 January 16 through January 31, 2018. This report will describe the claims and the dispositions or status of these claims.

DENIED CLAIMS:

Ali Nolan filed a claim during the month of January, 2017, in an unspecified amount 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**.

ALLOWED/SETTLED CLAIMS:

JoAnne White filed a claim during the month of January, 2017, in the amount of \$1,705.31 for damage incurred to vehicle as the result of accident involving a fire truck. This claim has been **settled** by the Risk Management Office in the amount of \$1,705.31.

Larry Darr filed a claim during the month of January, 2017, in the amount of \$1,754.88 for damage incurred to vehicle when struck by an Aging van. This claim has been **settled** by the Risk Management Office in the amount of \$1,754.88.

DISPOSITIONS OF L.E.S. CLAIMS:

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 has been **denied**.

Yankee Hill Brick filed a claim during the month of February, 2017, in the amount of \$152,059 for damage to equipment and loss of production costs associated with electrical power outage. This claim has been **denied**.

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 has been **denied**.

City of Lincoln filed a claim against Lincoln Electric System during the month of June, 2017, in the amount of \$2,551.00 for hazmat response by Lincoln Fire and Rescue for gas line that was hit by L.E.S. at 500/506 Pier 1. This claim has been **denied**. L.E.S. referred claim to Black Hills Energy.

City of Lincoln filed a claim against Lincoln Electric System during the month of June, 2017, in the amount of \$1,495.00 for hazmat response by Lincoln Fire and Rescue for gas line that was hit by L.E.S. at 56th and R Street. This claim has been **denied**. L.E.S. referred claim to Black Hills Energy subcontractor, USIC.

Phoenix Loss Control on behalf of Charter Communications filed a claim during the month of July, 2017, in the amount of \$894.48 for alleged damage incurred to cable by L.E.S. contractor installing street lights. This claim has been **denied**. L.E.S. referred claim to contractor.

Leroy Meints filed a claim during the month of August, 2017, in the amount of \$94.89 for damage allegedly incurred to lawn mower tire as the result of a bolt protruding from pole. This claim has been **denied**.

Lydia Russell filed a claim during the month of August, 2017, in the amount of \$414.00 for damage allegedly incurred to fence during tree trimming by L.E.S. This claim has been **denied**. L.E.S. referred claim to contractor.

Elizabeth Park Association filed a claim during the month of August, 2017, in the amount of \$227.04 for damage allegedly incurred to sprinkler system during excavation by L.E.S. This claim has been **denied**. L.E.S. referred claim to contractor.

Brian and Linda Iverson filed a claim during the month of August, 2017, in an unspecified amount for damage allegedly incurred to fence when L.E.S. was working in right-of-way near claimant's property. This claim has been **denied**. L.E.S. referred claim to contractor.

Bradley Cain and Rosena Startzman filed a claim during the month of August, 2017, in the amount of \$4,600 for damage allegedly incurred to sewer line by L.E.S. This claim is has been **denied**.

Phoenix Loss Control on behalf of Charter Communications filed a claim during the month of August, 2017, in the amount of \$455.00 for damage allegedly incurred to Charter Communications equipment by L.E.S. This claim has been **denied**. L.E.S. referred claim to contractor.

Adam Templeton filed a claim during the month of August, 2017, in the amount of \$103.90 for cost of hotel due to electric service being shut off. This claim has been **allowed** in the amount of \$103.90.

Tortuga Investments LLC filed a claim during the month of October, 2017, in the amount of \$6,375.42 for damage allegedly incurred to sewer line when struck by L.E.S. contractor. This claim has been **denied**. L.E.S. referred claim to contractor.

Roger Schwisow filed a claim in the amount of \$839.16 for expenses allegedly incurred as the result of damage caused by L.E.S. subcontractor. This claim has been **denied**. L.E.S. referred claim to contractor.

Barbara Casey filed a claim during the month of December, 2017, in the amount of \$772.87 for damage allegedly incurred to vehicle as the result of rock thrown from mower. Claimant identifies property being mowed as L.E.S. property. This claim has been **denied**. L.E.S. referred claim to contractor.

Tera Bruegger filed a claim during the month of December, 2017, in the amount of \$85.00 for expense allegedly incurred due to loss of electrical service. This claim has been **allowed** in the amount of \$85.00.

Roberta Wehr filed a claim during the month of December, 2017, in the amount of \$405.00 for damage allegedly incurred to sprinkler system as the result of trenching by L.E.S. This claim has been **denied**.

PENDING CLAIMS:

State Farm Insurance as subrogee of Brock Ambroz filed a subrogation claim during the month of April, 2017, in amount of \$4,607.10 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**.

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 bridal path. This claim is under review and is **pending**.

Sara Powell filed a claim during the month of June, 2017, in the amount of \$869.70 for damage incurred as the result of sanitary sewer back-up. This claim is under review and is **pending**.

Robert Welch filed a claim during the month of June, 2017, in an unspecified amount for alleged damage incurred to windshield from a piece of metal thrown from a City mower. This claim is under review and is **pending**.

Enriqueta Andrade filed a claim during the month of August, 2017, in an unspecified amount for damage incurred to vehicle as the result of accident involving a Parks vehicle. **Progressive Insurance as subrogee of Alejandro Andrade** filed subrogation claims for property damage and medical payments made on behalf of Maria Andrade and Andrea Andrade, passengers in vehicle operated by Enriqueta Andrade. **Maria Andrade** has filed notice of claim resulting from the accident. These claims are under review and **pending**.

Nicholas Watkins filed a claim during the month of September, 2017, in an unspecified amount for medical expenses as the result of accident involving a police vehicle. This claim is under review and is **pending**.

Terrance Williams and Kaneesha Mallory filed a claim during the month of October, 2017, in the amount of \$1,000,000 for alleged damages incurred as the result of incident at Ballard pool. This claim is under review and is **pending**.

Terrance Williams and Kaneesha Mallory on behalf of Terranasia Williams filed a claim during the month of October, 2017, in the amount of \$1,000,000 for alleged damages incurred as the result of incident at Ballard pool. This claim is under review and is **pending**.

Terrance Williams and Kaneesha Mallory on behalf of Terreniyah Williams filed a claim during the month of October, 2017, in the amount of \$1,000,000 for alleged damages incurred as the result of incident at Ballard pool. This claim is under review and is **pending**.

Terrance Williams and Kaneesha Mallory on behalf of Terreonna Williams filed a claim during the month of October, 2017, in the amount of \$1,000,000 for alleged damages incurred as the result of incident at Ballard pool. This claim is under review and is **pending**.

Century Sales and Management LLC filed a claim during the month of October, 2017, in the amount of \$292.59 for expense incurred as the result of alleged failure by L.E.S. to properly process ownership transfer of electrical service to property recently acquired by claimant. This claim is **pending** review and ratification by L.E.S. Administrative Board.

State Farm Insurance as subrogee of Ronald Bouwens filed a claim during the month of October, 2017, in an unspecified amount for damage incurred to insured's vehicle as the result of accident involving StarTran bus. This claim is under review and is **pending**.

Joel Maynard filed a claim during the month of October, 2017, in an unspecified amount for alleged injury incurred as the result of accident involving City vehicle. This claim is under review and is **pending**.

Kelli Johnson filed a claim during the month of November, 2017, in the amount of \$1,000,000 for alleged damages incurred as the result of accident involving a Parks and Recreation vehicle. This claim is under review and is **pending**.

MK Builders, Inc. filed a claim during the month of November, 2017, in the amount of \$1,300.02 for alleged expense incurred due to L.E.S. contractor hitting gas line which caused evacuation of area that claimant was working. This claim is **pending** review and ratification by L.E.S. Administrative Board.

State Farm Insurance as subrogee of Constance Wagner filed a subrogation claim during the month of November, 2017, in the amount of \$2,999.20 for damage incurred to insured's vehicle as the result of accident involving a StarTran bus. This claim is under review and is **pending**.

CJ Happold filed a claim during the month of November, 2017, in an unspecified amount for alleged damage incurred to fence by L.E.S. This claim is **pending** review and ratification by L.E.S. Administrative Board.

Randy Colton filed a claim during the month of December, 2017, in the amount of \$95.95 for alleged property damage caused by temporary power line. This claim is **pending** review and ratification by L.E.S. Administrative Board.

Scott and Kim Griffith filed a claim during the month of December, 2017, in the amount of \$231.00 for electrician expenses incurred as the result of alleged problem with L.E.S. service. This claim is **pending** review and ratification by L.E.S. Administrative Board.

Concorde Management and Development, Inc. filed a claim during the month of December, 2017, in the amount of \$4,965.90 for damages allegedly incurred due to disconnection of sewer service to property during sewer main replacement. This claim is under review and is **pending**.

NRMA as third party administrator for State of Nebraska filed a claim during the month of December, 2017, in an unspecified amount for damage incurred to property when employee of L.E.S. allegedly left a valve open causing steam from boiler to damage storage area and contents of storage area at 1526 K Street. This claim is **pending** review and ratification by L.E.S. Administrative Board.

Aaron Peth filed a claim during the month of December, 2017, in the amount of \$250,000 for alleged loss of employment opportunity at Lincoln Fire and Rescue. This claim is under review and is **pending**.

Fleet Response as subrogee of Topbuild Corp. filed a claim during the month of December, 2017, in an unspecified amount for damage incurred to insured's vehicle as the result of accident involving a StarTran bus. This claim is under review and is **pending**.

Samantha Raber filed a claim during the month of December, 2017, in the amount of \$1,101.65 for damage incurred to vehicle as the result of being struck by a police vehicle. This claim is under review and is **pending**.

Phoenix Loss Control on behalf of Charter Communications filed a claim during the month of January, 2018, in the amount of \$443.37 for damage allegedly incurred to underground cable by L.E.S. This claim is **pending** review and ratification by L.E.S. Administrative Board.

Sheila Scheinost filed a claim during the month of January, 2018, in the amount of \$1,000,000 for injury incurred when struck by a StarTran bus. This claim is under review and is **pending**.

Kelly Richter filed a claim during the month of January, 2018, in the amount of \$383.88 for damage incurred to vehicle due to alleged improper placement of traffic cones. This claim is under review and is **pending**.

Joseph Cotton filed a claim during the month of January, 2018, in the amount of \$1,000,000 for alleged injury incurred as the result of incident involving Lincoln police. This claim is under review and is **pending**.

Weston Edmond filed a claim during the month of January, 2018, in the amount of \$501.44 for damage incurred to tires as the result of striking median which claimant alleges was not properly signed. This claim is under review and is **pending**.

NEW CLAIMS FILED DURING THE PERIOD OF JANUARY 16 THROUGH JANUARY 31, 2018:

Donald and Jordan Straight filed a claim in the amount of \$8,663.55 for damage incurred to vehicle as the result of accident involving a City vehicle. This claim is under review and is **pending**.

Lwel Doh Moo filed a claim in an unspecified amount for damage incurred to vehicle as the result of accident involving a police vehicle. This claim is under review and is **pending**.

Melissa Kumke filed a claim in the amount of \$118.63 for damage allegedly incurred to tire due to broken concrete storm drain. This claim is under review and is **pending**.

Jack Irons filed a claim in the amount of \$600.00 for damage incurred to door of rental property as the result of action by Lincoln police. This claim is under review and is **pending**.

Scott Hove filed a claim in the amount of \$1,392.52 for damage incurred to vehicle as the result of accident involving a City vehicle. 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 appealed to the Nebraska Court of Appeals. The Court of Appeals affirmed the District Court's dismissal with prejudice of Crow's first cause of action (tort claim under the PSTCA) and second and third causes of action (inverse condemnation). The Court of Appeals reversed and remanded to the District Court for further proceedings the dismissal with prejudice of Crow's fourth cause of action (due process and equal protection) and fifth cause of action (Nebraska Wage Payment and Collection Act). 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**.

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**.

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**.

Heather Ross filed a claim during the month of July, 2016, in the amount of \$1,000,000 for alleged injury incurred when claimant slipped and fell while entering the pool at Star City Shores. This claim was reviewed by this office and denial was approved by the Lincoln City Council on September 19, 2016. **Christopher Murphy** filed a claim during the month of November, 2016, in the amount of \$500,000 for alleged loss of consortium as the result of Ms. Ross's slip and fall at Star City Shores. This claim was reviewed by this office and denial was approved by the Lincoln City Council on December 5, 2016. Suit has been filed in Lancaster County District Court and litigation is **pending**.

Wyatt Ryan filed a claim during the month of July, 2016, in an unspecified amount for damages and injuries incurred as the result of accident involving a StarTran bus. 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**.

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**.

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**.

Christopher J. Varga filed a claim during the month of June, 2017, in the amount of \$5,000.00 alleging his personal property was not properly secured by law enforcement officers when he was arrested on November 30, 2015. This claim was reviewed by this office and denial was approved by the Lincoln City Council on June 26, 2017. Suit has been filed in Lancaster County Court and litigation 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. Suit has been filed in Lancaster County District Court and litigation is **pending**.

Submitted by City Law Department
c: Risk Management