



City of Grand Island

Tuesday, June 25, 2019

Council Session

Item G-2

**Receipt of Official Document – Tort Claim filed by Jodi and
Alfredo Lopez on behalf of their Minor Child, Antonio Lopez**

Staff Contact: RaNae Edwards

Council Agenda Memo

From: Jerry Janulewicz, City Attorney

Meeting: June 25, 2019

Subject: Receipt of Official Document – Tort Claim filed by Jodi and Alfredo Lopez on behalf of their minor child, Antonio Lopez

Presenter(s): Jerry Janulewicz, City Attorney

Background

The City of Grand Island has received a Notice of Tort Claim from Jodi Lopez and Alfredo Lopez on behalf of their minor child, Antonio Lopez alleging certain claims in connection with an incident in which the claimant alleges he was injured in a collision by a vehicle being pursued by the Grand Island Police Department which occurred on June 17, 2018.

Without getting into issues concerning the City's and other parties' liability, and whether the claim of Jodi Lopez and Alfred Lopez on behalf of their minor child, Antonio Lopez is fair and reasonable, we are simply providing a copy of this claim to you in compliance with the Nebraska Political Subdivision Tort Claims Act.

For a person to assert a tort claim against the City of Grand Island, a written notice of the claim must be filed with the City Clerk, Secretary or other official responsible for keeping official records. The claim must be filed within one year of the accrual of the claim, and the Council has six months to act on the claim. No suit can be filed until after the Council acts on the claim, or the six months has run.

Historically, the City of Grand Island has simply let the six months run. Not all claims result in a suit being filed, so it makes good sense to not act affirmatively in many instances. In any event, if you wish to look further into this claim, please contact the City Attorney's office, and we will provide you with the information which we have in connection with the claim. Our recommendation is to continue to take no affirmative action on tort claims. It must be emphasized that by providing copies of alleged claims to you, we are not making an admission or representation that a claim has been properly filed in any respect. We also recommend that no comments concerning a particular claim be made during Council meetings, unless you decide to bring the matter on for formal consideration. Even then, we ask that comments be carefully considered so that the legal rights of all parties are preserved.

Discussion

This is not an item for council action other than to simply acknowledge that the claim has been received.

Recommendation

City Administration recommends that the Council take no action other than acknowledge receipt of the claim.

Sample Motion

Move to approve acknowledgement of the tort Claim filed by Jodi and Alfredo Lopez on behalf of their minor child, Antonio Lopez.

952 6-10-19
WAITE, MCWHA & HENG

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Paralegal - DONNA HARTLEY (dhartley@northplattelaw.com)

June 7, 2019

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

RaNae Edwards
City Clerk of Grand Island, NE
100 East First Street
PO Box 1968
Grand Island, NE 68802-1968

Jerom Janulewicz
City Attorney of Grand Island, NE
100 East First Street
PO Box 1968
Grand Island, NE 68802-1968

Re: Tort Claim of Jodi Lopez and Alfredo Lopez, individually and on behalf of their minor child, Antonio Lopez

Dear Clerk and City Attorney:

This firm represents Jodi Lopez, Alfredo Lopez, individually and on behalf of their minor child, Antonio Lopez as a result of injuries received in an accident on June 17, 2018 in which the vehicle they were traveling in was collided by a Hafen Hudson. At the time of the collision, Mr. Hudson was in a vehicular pursuit by law enforcement officers of the City of Grand Island, Nebraska.

Liability is imposed pursuant to Neb.Rev.Stat. §13-911. Pursuant to the Nebraska Political Subdivision Tort Claims Act, this letter is to set forth our clients' tort claim against the City of Grand Island, Nebraska.

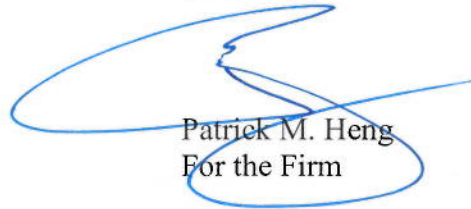
At the time of the accident, our clients had the right of way. The individual who was being pursued by the Grand Island Police Department was subsequently cited for DUI and Failure to Yield the Right of Way at an Intersection. At the time of the collision, the Grand Island Police Officer had activated his overhead lights and was pursuing Mr. Hudson at the time of the collision. Our clients received medical treatment as a result of the accident and have further suffered emotional injuries, pain, suffering, temporary and permanent physical damage.

City Clerk of Grand Island, Nebraska
City Attorney of Grand Island, Nebraska
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Therefore, for settlement purposes only, our clients and their minor child will accept \$500,000.00 as full and final satisfaction of their claims against the City of Grand Island.

If please contact me if you have any questions.

Sincerely,



Patrick M. Heng
For the Firm

PMH/cdw