



# City of Grand Island

Tuesday, December 8, 2020

Council Session

## Item G-1

**Receipt of Official Document – Tort Claim filed by Rosa Bustamante**

Staff Contact: RaNae Edwards

# Council Agenda Memo

**From:** Stacy Nonhof, Interim City Attorney

**Meeting:** December 8, 2020

**Subject:** Receipt of Official Document – Tort Claim filed by Rosa Bustamante

**Presenter(s):** Stacy Nonhof, Interim City Attorney

## Background

The City of Grand Island has received a Notice of Tort Claim from Rosa Bustamante alleging she was injured in a motor vehicle accident collision involving a Grand Island Police Officer vehicle.

Without getting into issues concerning the City's and other parties' liability, and whether the claim of Rosa Bustamante 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.

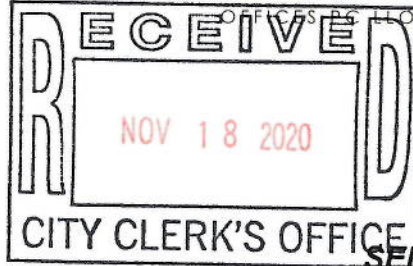
## **Sample Motion**

Move to approve acknowledgement of the tort Claim filed by Rosa Bustamante.

Herbert J. Friedman  
Daniel H. Friedman  
Robert R. Moodie  
Gregory R. Coffey  
Stephen A. Sael  
Meaghan A. Geraghty

Friedman **LAW**

Established 1962



SENT VIA CERTIFIED MAIL

November 13, 2020

City of Grand Island, Nebraska, City Clerk  
100 E First Street  
Grand Island, NE 68801

**POLITICAL SUBDIVISION TORT CLAIM**

RE: Bustamante, Rosa v. Jacobson, Trevor and City of Grand Island, NE  
Our File No.: 20-114

Dear Sir or Ma'am:

This office represents Rosa Bustamante. On or about July 13, 2020, Rosa Bustamante was injured in a motor vehicle collision occurring at the intersection of Walnut and 2<sup>nd</sup> Street, Grand Island, Hall County, Nebraska and involving a Grand Island Police vehicle driven by Trevor Jacobson.

Our investigation reveals that the proximate cause of the injury was the negligence of Trevor Jacobson to keep his vehicle under control. Ms. Bustamante has required medical treatment, and will require additional treatment in the future. Ms. Bustamante also suffered general damages.

Claim is made against Grand Island, Hall County, Nebraska under the provisions of the Political Subdivisions Tort Claim Act in the amount of One Million Dollars (\$1,000,000.00).

Very truly yours,

FRIEDMAN LAW OFFICES, P.C., L.L.O.

Gregory R. Coffey  
gcoffey@friedmanlaw.com  
GRC/drm

Cc: Grand Island City Attorney via certified mail

cc: Admin  
Legal  
HR

P.O. Box 82009 3800 Normal Blvd. Lincoln, NE 68501-2009 (402) 476-1093 fax (402) 476-8364 www.friedmanlaw.com

11-18-2020