



City of Grand Island

Tuesday, April 27, 2004

Council Session

Item G1

**Receipt of Official Document - Tort Claim Filed by Donald A.
Nelsen**

Staff Contact: RaNae Edwards

Council Agenda Memo

From: RaNae Edwards, City Clerk

Meeting: April 27, 2004

Subject: Receipt of Official Document – Tort Claim Filed by Donald A. Nelsen

Item #'s: G-1

Presenter(s): RaNae Edwards, City Clerk

Background

The City of Grand Island has received a Tort Claim on April 9, 2004 from Donald A. Nelsen, 121 East 6th Street alleging certain claims in connection with an arrest made by the Police Department. A copy of this claim is attached to comply with the Nebraska Political Subdivision Tort Claims Act.

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

Approve acknowledgement of the Tort Claim filed by Donald A. Nelsen.

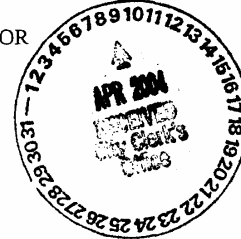
IN THE DISTRICT COURT OF HALL COUNTY, STATE OF NEBRASKA

DONALD A. NELSON,
Plaintiff

vs.

THE CITY OF GRAND ISLAND,
THE GRAND ISLAND POLICE
DEPARTMENT, and OFFICER
BRENT ENGBERG,
Defendants.

50 643
COMPLAINT FOR
TORT CLAIM



COMES NOW, Donald A. Nelson, Plaintiff, Pro Se, and for his complaint against
the Defendants, states and alleges as follows:

1. That at all times material hereto, the Plaintiff and the Defendants were located in Grand Island, Nebraska.
2. That on the 10th day of April 2003, Defendant Brent Engberg, arrested the Plaintiff for driving while intoxicated and other charges.
3. That in the course of said arrest, and subsequent thereto, Police Officer Engberg made false statements concerning the Plaintiff concerning his disposition, concerning his cooperativeness, concerning his ability to see and observe him and in all matters related thereto, which caused the County Court to dismiss and suppress the Arrest Warrant.
4. That during the course of said arrest, without cause, reason or basis therefore, the Police Officer physically assaulted the Plaintiff, causing serious and permanent injuries, necessitating the Plaintiff's hospitalization.
5. That both the Defendant, City of Grand Island, and the Defendant, Grand Island Police Department, were negligent in their hiring and employment of the aforesaid

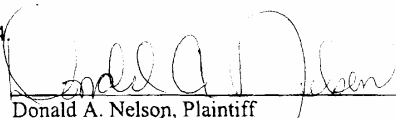
cc: ~~Legal~~
~~Police~~
~~Admin~~
4-9-04

Officer Engberg. That they knew or should have known of his proclivities towards physical aggression and violence, and knew or should have known that he would that he would lie or had lied concerning matters similar to this in the past and present case.

6. As a result of the aforesaid acts of the Defendants, the Plaintiff has suffered real and physical damages, has suffered permanent injury, and has been physically affected and mentally and emotionally upset as a result thereof.

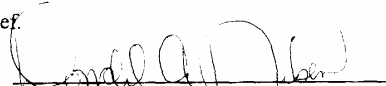
WHEREFORE, Plaintiffs prays for Judgment against the Defendants in the sum determined by jury and for such other and further relief as the Court deems just and equitable in the premises.

Dated this 9 day of April 2004.

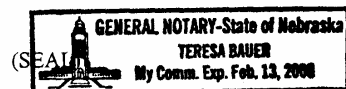

Donald A. Nelson, Plaintiff
121 East 6th
Grand Island, Nebraska 68801

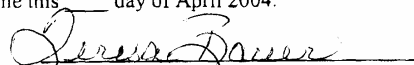
STATE OF NEBRASKA)
COUNTY OF Hall)SS:

Donald A. Nelson, being first duly sworn upon his oath deposes and states that he is the above named Plaintiff, that he has read the foregoing Complaint and that the same is true to the best of his knowledge and belief.


Donald A. Nelson

Subscribed and sworn to before me this ___ day of April 2004.




Notary Public

My Commission Expires:

PLAINTIFF HEREBY DEMANDS JURY TRIAL ON ALL MATTERS HEREIN