



City of Grand Island

Tuesday, January 08, 2008

Council Session

Item G1

Receipt of Official Document - Tort Claim Filed by Laura Nelson

Staff Contact: Dale Shotkoski

Council Agenda Memo

From: Dale Shotkoski, City Attorney

Meeting: January 8, 2008

Subject: Receipt of Official Document – Tort Claim filed by
Laura M. Nelson

Item #'s: G-1

Presenter(s): Dale Shotkoski, City Attorney

Background

The City of Grand Island has received a Notice of Tort Claim on behalf of Laura M. Nelson, alleging certain claims in connection with an incident which occurred on December 13, 2006 on West Highway 30 and North North Road in Hall County, Nebraska. A vehicle driven by Leslie D. Maslowski turned directly into the path of Laura Nelson's vehicle, causing a collision.

Without getting into issues concerning the City's and other parties' liability, and whether the claim of Laura M. Nelson, 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 Administrator's office or the City Attorney, 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

Motion to approve acknowledgement of the Tort Claim filed by Laura M. Nelson.

James A. Cada
Harvey G. Froscheiser
Judy A. Cada
Edward F. Hoffman
Linda M. Jewson



Law Office
1024 K Street
Lincoln, NE 68508
Telephone: (402) 477-2233
Facsimile: (402) 477-2286

CADA, FROSCHER, CADA & HOFFMAN

ATTORNEYS AT LAW
Website: www.cadalaw.com

December 11, 2007

City Clerk, City of Grand Island
Attn: ReNae Edwards
100 E. First Street
P.O. Box 1968
Grand Island, NE 68802



RE: Claim of Laura Nelson for reimbursement for medical treatment received as a result of a motor vehicle collision on December 13, 2006.

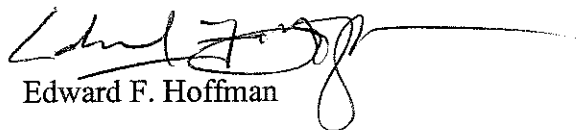
Dear Mrs. Edwards:

Pursuant to NEB.REV.STAT. §13-919, Mrs. Laura M. Nelson is hereby presenting in writing her claim against the City of Grand Island for payment for medical expenses incurred as a proximate cause of the City of Grand Island's negligence resulting from a motor vehicle collision on December 13, 2006 at the intersection of West Highway 30 and N North Road in Hall County, Nebraska. As you are aware, Mrs. Nelson had been traveling westbound on West Highway 30 approaching the intersection of West Highway 30 and N North Road when a vehicle driven by Leslie D. Maslowski turned directly into the path of Mrs. Nelson's vehicle, causing a collision. At and before the time of the collision, Ms. Maslowski was being actively pursued by law enforcement agents of the Grand Island Police Department. You may find additional information regarding this matter in the Grand Island Police Department filed under Agency Case No. A06120097. As a result of her injuries resulting from said collision, Mrs. Nelson incurred \$15,000 in medical expenses and lost wages, along with permanent injuries, pain and suffering. My office is in the process of obtaining additional medical bills incurred by Mrs. Nelson as a result of this matter and, as such, it is my expectation that the total balance of said medical bills will be higher. Additionally, she continues to treat as a result of those injuries and, as such, said medical expenses will continue to increase. Attached please find an itemized statement of the fair and reasonable costs of the medical expenses my office has been able to obtain records of to date.

Mrs. Nelson's claim is based on the fact that the City of Grand Island Police Department's vehicle was operated in a negligent manner as described above, and that the City of Grand Island is strictly liable pursuant to NEB.REV.STAT. §13-911 (2005). Specifically, Mrs. Nelson states that she sustained physical injuries, permanent physical impairments and general and special damages; those injuries, impairments and damages were proximately caused by the actions of the pursuing City of Grand Island Police Department officers employed by the City of Grand Island, and Mrs. Nelson was

an innocent third party. As such, Mrs. Nelson hereby makes claim on the City of Grand Island pursuant to NEB.REV.STAT. §13-919 in the amount of \$125,000. Please refer this claim to the finance director for pre-auditing approval as required by statute. Additionally, I would ask that you forward this claim to the City of Grand Island's Attorney's office and have assigned counsel contact me direct at my office before any further action is taken on this claim.

Sincerely,



Edward F. Hoffman

EFH:lt

Enclosure

cc: Laura Nelson

Grand Island City Attorney

cc: Legal
H/R
Police
12-13-07