



# City of Grand Island

Tuesday, June 10, 2008

Council Session

## Item G1

**Receipt of Official Document - Tort Claim Filed by DeeAnn Steiner**

Staff Contact: Dale Shotkoski

# **Council Agenda Memo**

**From:** Dale Shotkoski, City Attorney

**Meeting:** June 10, 2008

**Subject:** Receipt of Official Document – Tort Claim filed by  
DeeAnn Steiner

**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 DeeAnn Steiner, alleging certain claims in connection with an accident which occurred on July 4, 2007 at the location of Third and Eddy Streets in Grand Island, Nebraska.

Without getting into issues concerning the City's and other parties' liability, and whether the claim of DeeAnn Steiner, 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**

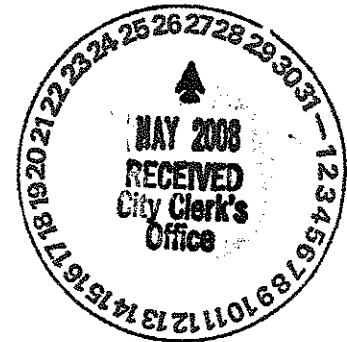
Move to approve acknowledgement of the Tort Claim filed by DeeAnn Steiner.



LORALEA L. FRANK  
lfrank@jonlaw.com

CELEBRATING **30** YEARS 1978-2008

May 23, 2008



Ms. ReNae Edwards  
City Clerk  
City of Grand Island  
P. O. Box 1968  
Grand Island, NE 68802-1968

Re: DeeAnn Steiner

Dear Clerk Edwards:

Please let this letter serve as a claim for reimbursement of our client's vehicle damage and loss resulting from a motor vehicle accident that occurred on July 4, 2007 at the location of Third and Eddy Streets in Grand Island, Nebraska. As a result of this incident, our client sustained a loss in the amount of \$10,902.35. Ms. Steiner demands this amount as compensation for the damage to the motor vehicle. This demand is premised upon Neb. Rev. Stat. § 13-911. This section creates strict liability on the Hall County Sheriff's Department when 1) a claimant suffers property damage; 2) such damage is proximately caused by the action of a pursuing law enforcement officer employed by a political subdivision; and 3) the claimant is an innocent third party. Ms. Steiner is entitled to compensation for the damages sustained and will be awarded such in a court of law.

I look forward to hearing from you. If I do not hear from you within the allotted time frame pursuant to the Political Subdivision Tort Claims Act, I will proceed with filing a Complaint, a copy of which I enclose.

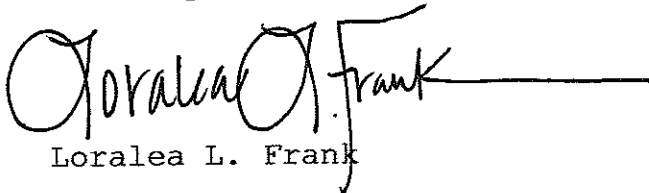
Please govern yourselves accordingly.

~~Mayor~~  
~~Admin.~~  
CCI Legal  
~~HR (Insurance)~~  
5-27-08

Ms. RaNae Edwards  
May 23, 2008  
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Very truly yours,

JACOBSEN, ORR, NELSON,  
LINDSTROM & HOLBROOK, P.C., L.L.O.  
Attorneys at Law

A handwritten signature in dark ink, appearing to read "Lorealea L. Frank", followed by a horizontal line extending to the right. The signature is written in a cursive, flowing style.

Lorealea L. Frank

LLF:rkr

cc: Justin Wright (27-7772-047)

COPY FOR YOUR  
INFORMATION

IN THE COUNTY COURT OF HALL COUNTY, NEBRASKA

DEEANN STEINER	)	Case No. CI 08-_____
	)	
Plaintiff,	)	
	)	
v.	)	COMPLAINT
	)	
HALL COUNTY SHERIFF'S OFFICE	)	
and GRAND ISLAND POLICE DEPT.	)	
	)	
Defendants.	)	

COMES NOW the plaintiff and for her cause of action against the defendants, states and alleges as follows:

1. The plaintiff is a resident of Hall County, Grand Island, Nebraska.
2. At all times mentioned herein, the plaintiff was the owner of a 2004 Orange Volkswagen Beetle, VIN #3VWCK21C34M402560.
3. At all times relevant herein, the defendants, Hall County Sheriff's Office and Grand Island Police Department, are bodies of politic organized and existing under the laws of the State of Nebraska, Hall County, and the City of Grand Island and as such governmental entities, the civil liability of each is subject to the provisions of the Nebraska Political Subdivision Tort Claims Act, Neb. Rev. Stat. §§ 13-901 to 13-926.

4. Hall County, Grand Island Nebraska, is the location where the incident occurred out of which the cause of action herein set forth arose.

5. On or about July 4, 2007, Stacy Alexander Wayne was operating the insured's vehicle, at 3<sup>rd</sup> and Eddy Streets in Grand Island, Hall County, Nebraska. At the same time and place, the defendants, were operating patrol vehicles. As insured's vehicle was brought to a stop, one of defendant's vehicles hit insured's vehicle, causing damage to the same.

6. Said collision and damages resulting therefrom were directly and proximately the result of defendants negligence as more particularly set forth as follows:

- a. In failing to keep such a diligent lookout for other vehicles, so as to have enabled to avoid a collision or accident;
- b. In failing to keep the vehicle under such reasonable control as would have enabled the avoidance of a collision or accident;
- c. In failing to make timely application of the brakes to avoid the collision;

7. As a direct and proximate result of the negligence of defendants as indicated in the above-mentioned paragraphs, insured's vehicle was damaged and the insured suffered loss in the amount of \$10,902.35, which represents the fair market value

of the insured's vehicle and does not exceed the fair market value of the insured's vehicle.

WHEREFORE, the plaintiff prays to recover judgment against the defendants in the amount of \$10,902.35 for special damages, costs, interest and for such other and further relief as this Court deems equitable and just.

DEEANN STEINER, Plaintiff

By \_\_\_\_\_  
Loralea L. Frank, #23497  
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LINDSTROM & HOLBROOK, P.C., L.L.O.  
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