



City of Grand Island

Tuesday, March 10, 2015

Council Session

Item G-2

Receipt of Official Document – Tort Claim filed by Dr. Stacy Van Horn

Staff Contact: RaNae Edwards

Council Agenda Memo

From: RaNae Edwards, City Clerk

Meeting: March 10, 2015

Subject: Receipt of Official Document – Tort Claim filed by Dr. Stacy Van Horn

Item #'s: G-2

Presenter(s): RaNae Edwards, City Clerk

Background

The City of Grand Island has received a Notice of Tort Claim from Dr. Stacy Van Horn alleging certain claims in connection with an unlawful arrest on an arrest warrant, on a charge for violation of a Domestic Violence Protection Order which occurred on or about February 21, 2014.

Without getting into issues concerning the City's and other parties' liability, and whether the claim of Dr. Stacy Van Horn 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

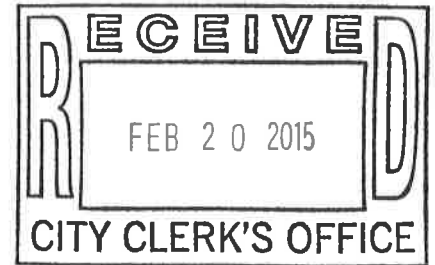
This is not an item for council action other than to simply acknowledge that the claim has been received.

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 Dr. Stacy Van Horn.



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February 20, 2015

VIA FACSIMILE & ELECTRONIC MAIL

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TORT CLAIM LETTER

RE: **The Unlawful Arrest of Dr. Stacy Van Horn**
Our File No.: 14-02

To Whom it May Concern:

This letter is written to put the Cities and/or Counties on Notice of a Tort Claim for personal injuries and the unlawful arrest of Dr. Stacy Van Horn on or about February 21, 2014.

The following constitutes a claim pursuant to the Political Subdivisions Tort Claims Act, Neb. Rev. Stat. §13-905.

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Please be advised that this office represents Dr. Van Horn, who was unlawfully arrested on an arrest warrant, on a charge for violation of a Domestic Violence Protection Order. At the time of his arrest in Hall County, Nebraska, no Domestic Violence Protection Order was ever in full force and effect under Neb. Rev. Stat. §42-924. This arrest resulted in loss of income, embarrassment, and a violation of his constitutional rights on or about February 21, 2014.

That as a direct and a proximate result of this negligent and unlawful arrest, Dr. Van Horn, incurred both personal and legal expenses, and request all damages allowed under Nebraska law in an amount in excess of \$100,000.00.

On behalf of Dr. Stacy Van Horn, please present this claim to your governing body and forward this claim letter to the liability insurance carrier of the Sarpy County Sheriff's Office and the liability insurance carrier of the Hall County Sheriff's Office.

Very truly yours,
WELSH & WELSH, P.C., L.L.O.



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JRW/lac

C: Dr. Stacy Van Horn