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H-1

**AGENDA ITEM
REQUEST/JUSTIFICATION FORM**
(To be completed by requesting Department)
Forward all requests to Sharon Bourke, LC2 Civic Center
**DEADLINE SUBMITTAL IS 3:00 P.M. WEDNESDAY
BEFORE THE TUESDAY MEETING**

Agenda item: Consent – Tort Claim
(i.e. Consent/Recognition-Proclamation/Presentation/Public Hearing/Committee, etc.)
Date to be on agenda: October 18, 2016

Exact wording to be used for the agenda: Daniel A. Esch, County Clerk, presenting claim of the following pursuant to the Nebraska Political Subdivisions Tort Claims Act: Thomas M. Cooney

Action requested: Refer to County's Risk Manager for review and determination.

Amount requested: \$ 1,000,000.00 Object Code: N/A

Is item in current year's budget? N/A Yes No

Does this item commit funds in future years? Yes No

If yes, explain: N/A

If an agreement or contract, has the County Attorney reviewed and approved? N/A Yes No

Previous action taken on this item, if any: None.

Recommendations and rationale or action: Refer to County's Risk Manager for review and determination.

Will anyone speak on behalf of this item, if so who? N/A

If this is a rush agenda item, please explain why: N/A

Submitted by (Name & Dept.): Daniel A. Esch, County Clerk *DAE* Ext. 7150

Date submitted: October 11, 2016

List Attachments: Claim letter
(Attach resolution and all pertinent documentation; i.e. contract, agreement, memorandums, etc.)

Certified resolutions can be obtained at the County Clerk's website:
<http://www.douglascountyclerk.org/county-board-records/search-for-resolutions>

<i>Completed by receiving office</i>		
Received in Administrative Office:	Date <u>10/11/16</u>	Time



Mandy L. Strigenz
304 Olson Drive, Suite 211
Papillion, NE 68046
(402) 493-7221 Phone
(402) 964-2920 Fax

E. Terry Sibbersen
Mandy L. Strigenz
Andrew D. Sibbersen
Julie D. Tabor

October 6, 2016

Sent Via Fed Ex Overnight Delivery, Signature Required

Daniel A. Esch
County Clerk/Comptroller
Douglas County
1819 Farnam Street, Room H-08
Omaha, NE 68183

Re: Our Client: Thomas M. Cooney
Your Employee: Alexandria J. Contreras-Sides
Your Agency: Douglas County Corrections
Claims Company: Corporate Claims Management, Inc.
Date of Injury: October 15, 2015
Location of Injury: 29th Street & Leavenworth Avenue, Omaha

Nebraska Political Subdivision Tort Claim
NOTICE OF CLAIM

Dear Mr. Esch:

Please be advised this office represents Claimant Thomas M. Cooney in his claim for injuries arising from the negligence of Douglas County Nebraska Correctional employee, Alexandria J. Contreras-Sides for running a red light while operating a Douglas County owned automobile.

Employee Contreras-Sides was operating the county owned vehicle in the course and scope of her employment on October 15, 2015 at the intersection of 29th and Leavenworth Streets in Omaha, Nebraska.

Claimant Thomas M. Cooney was driving his vehicle eastbound on Leavenworth street when he entered the intersection at 29th street on a green light. Douglas County Corrections employee Contreras-Sides entered the intersection at the same time and location on a red light from southbound 29th street causing a collision of the vehicles.

The negligence of Douglas County employee Alexandria J. Conteras-Sides is attributable to Douglas County by virtue of the doctrine of respondeat superior.

The negligence of employee Contreras-Sides caused the following injuries to Thomas M. Cooney:

*Severe injury to his back and spinal cord which resulted in the need for spinal surgery;

*Physical and mental pain and suffering in the past and it is reasonably certain that Claimant will sustain additional physical and mental pain and suffering in the future;

*Medical bills in the past in at least the amount of \$45,000.00 and it is reasonably certain that Claimant will incur additional medical bills in the future;

*Permanent injury; and

*Permanent disability.

Claimant demands \$1,000,000.00 to pay for his medical bills, past and in the future, and to compensate him for past and future pain, suffering and inconvenience.

Claimant will wait six (6) months for action on this claim as required under the Act.

Sincerely,



Mandy L. Strigenz

FROM: Mandi Strigenz
304 OLSON DR STE 211
PAPILLION NE 68046
US

SHIP DATE: 06OCT16
ACT WGT: 0.10 LB
CAD: 6997274/SSSF01704
DIMMED: 9 X 12 X 1 IN

TO Daniel A Esch
County Clerk/Comptroller
1819 Farnam St
Rm H - 08
Omaha NE 68183

REF: (000) 000-0000
PD: (US)



FedEx Ground



Co Clerk

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68183

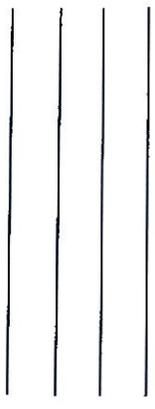
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COUNTY CLERK/COMPTROLLER
1819 FARNAM ST
RM H-08
OMAHA, NE
68183-1000-19

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ETP:6
784283373590
PD:SP:100:Y





DANIEL A. ESCH
DOUGLAS COUNTY CLERK / COMPTROLLER
SHERI K. LARSEN
CHIEF DEPUTY DOUGLAS COUNTY CLERK

October 11, 2016

Thomas M. Cooney
C/O: Mandy L. Strigenz,
304 Olson Drive, Suite 211
Papillion, NE 68046

Re: Tort Claim

To Whom It May Concern:

This letter is to inform you that the Douglas County Clerk's office is in receipt of your tort claim.

Said claim will be placed on the Douglas County Board of Commissioners' meeting agenda; to be held on Tuesday, October 18, 2016; at 9:00 a.m. in the Legislative Chamber of the Omaha-Douglas Civic Center, 1819 Farnam Street, Omaha, NE.

At that time, the Board will be asked to refer this claim to the Douglas County Risk Manager for review and determination. You will be notified in writing once the Board has referred your claim to the Risk Manager.

If you have any questions, please do not hesitate to contact me at (402) 444-6764.

Sincerely,

Ellen M. Sechser
Administrative Assistant
Douglas County Clerk's Office