



Nebraska Intergovernmental Risk Management Association

8040 Eiger Drive • P.O. Box 85210 • Lincoln, NE 68501-5210
www.nirma.info • 402.742.9220 • 800.642.6671 • 402.742.9230 fax

Serving County Government

Craig L. Nelson, Executive Director

December 1, 2020

Agenda Item # 24f
Date 12/16/20

Board of Supervisors
Dodge County
ATTN: Jean Andrews
435 N Park
Fremont, NE 68025

2020 DEC -2 PM 1:02
RECEIVED
Dodge Co Highway Dept

COPY

RE: Claimant: Anthony Woods
DOL: 1-28-20
Claim #: GLDodge033040

Dear Board of Supervisors:

This letter and enclosure shall serve as notice that the above-referenced matter has been resolved by means of a settlement. Enclosed, please find the release of all claims Mr. Woods executed for \$175,000.00.

Pursuant to Neb. Rev. Stat. §84-713, certain settlement agreements entered into by public entities or insurers are public records. The information available to us indicates that the settlement in this case would fall within the scope of the legislation because the amount involved is equal to or exceeds (1% of the County's budget)/(\$50,000.00). The law therefore requires that this settlement be made an agenda item at the County Board's next meeting for (informational purposes only)/(approval).

This matter will likewise be placed on the agenda for the next meeting of the NIRMA Board of Directors, and the settlement agreement retained for public disclosure upon request as required by law. If you do not agree with our analysis regarding the applicability of Neb. Rev. Stat. §84-713 to this settlement, please notify us as soon as possible.

Sincerely,

John Christensen, AIC
Property/Liability/Workers' Compensation
Claims Adjuster

Enclosure: Release

Cc: file

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RELEASE

That Andrew J. Woods

for and in consideration of the sum of one hundred seventy five thousand dollars & no/100 Dollars, (\$ 175,000.00), the receipt and sufficiency of which is hereby acknowledged, does hereby remise, release and forever discharge Roose County & its Employees & ASPMA

his successors and assigns, and/or his, her, their heirs, executors and administrators, and also any and all other persons, associations and corporations, whether herein named or referred to or not, and who, together with the above named, may be jointly or severally liable to the Undersigned, of and from any and all, and all manner of, actions and causes of action, rights, suits, covenants, contracts, agreements, judgments, claims and demands whatsoever in law or equity, including claims for contribution, arising from and by reason of any and all KNOWN AND UNKNOWN, FORESEEN AND UNFORESEEN bodily and personal injuries or death, damage to property, and the consequences thereof, which heretofore have been, and which hereafter may be sustained by the Undersigned or by any and all other persons, associations and corporations, whether herein named or referred to or not, and especially from all liability arising out of an occurrence that happened on or about the 28th day of January, 2020, at or near Hwy 275 & Co Rd 21 Roose County, ND

Further, in consideration of the above payment the UNDERSIGNED ALSO EXPRESSLY DECLARES AND AGREES;

- (1) That all claims, past, present or future, are disputed and this full and final settlement thereof shall never be treated as evidence of liability, nor as an admission of liability or responsibility at any time or in any manner whatsoever;
- (2) That this release covers and includes all claims several or otherwise, past, present or future, which can or may ever be asserted by any person or persons, as heirs, or otherwise, as the result of injuries or death and/or damages as aforesaid or the effects or consequences thereof;
- (3) That this full and final release shall cover and include all and any future injuries, death and/or damages not now known to any of the parties hereto but which may later develop or be discovered, including the effects or consequences thereof and including all causes of action therefor;
- (4) That the Undersigned will indemnify and hold harmless the said parties released hereby, against loss, including counsel fees, from any and every claim or demand of every kind and character, including claims for contribution, which may be asserted by the Undersigned by reason of said occurrence, injuries and/or damages or the effects of consequences thereof;
- (5) It is further understood and agreed: That the parties hereby released admit to no liability to the Undersigned nor to anyone whomsoever: that such released parties have not consented, in writing or other form, to this release nor to the settlement to which it is applicable and shall not be thereby precluded nor barred from asserting any claim or cause of action they or any of them may have against the Undersigned or others, that right being hereby expressly reserved to such released parties and to any of them.

In witness whereof, the hand and seal of the Undersigned is set hereunto this 13th day of November, 2020.

READ CAREFULLY BEFORE SIGNING

Witness: John Fowles

Address: 251 Capitol Blvd

Witness: Grocery, NE 68528

Address: _____

STATE OF _____)

COUNTY OF _____) SS:

(X) Andrew Woods (SEAL)

Address: 210 S Main, Heppner, NE 68031

(X) Deborah Studdert (SEAL)

Address: 210 S. Main, Heppner, NE 68031

On this 13th day of November, 2020, before me personally appeared Andrew Woods and Deborah Studdert

to me personally known, and known to be the persons individually or jointly described in and who executed the above instrument and who acknowledged to me the act of signing and sealing thereof.

My term expires _____



John C. Fowles

Notary Public



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Craig L. Nelson, Executive Director

December 1, 2020

Board of Supervisors
Dodge County
Attn: Jean Andrews
435 N Park
Fremont, NE 68025

RE : NIRMA Insured : Dodge County
Claimant : Andrew Woods
NIRMA Claim No. : GLDodge03304
Date of Loss : 1-28-2020

2020 DEC -2 PM 1:02
RECEIVED
Dodge Co Highway Dept

Dear Jean:

NIRMA settled Mr. Woods claim he filed against Dodge County for the injuries he sustained from pursuit accident of January 28, 2020. Coverage for this claim falls under the Law Enforcement Liability coverage for which Dodge County does have a deductible. This coverage is subject to the Limit of Liability shown in the Supplemental Declarations of the policy NIRMA provides the county.

Subject to the Limits of Liability stated above, we will only be liable to pay for damages in excess of the deductible shown in the Supplemental Declarations for each and every wrongful occurrence. In the event we expend funds either for damages or loss adjustment expense on behalf of the Insured, we will be reimbursed for such expenditures up to the amount of the deductible shown in the Supplemental Declarations. Claims or suits related to motor vehicle pursuits are subject to double the deductible shown in the Supplemental Declarations or \$20,000, whichever is greater. Upon written demand by us, the amount of such deductible will be payable to us within (30) days.

The following amount is due to be reimbursed to NIRMA from Dodge County:

Dodge County LEL deductible is: \$10,000.00
Additional LEL deductible due to pursuit claim: \$10,000.00
Deductible payment due to NIRMA \$20,000.00

The amount due from Dodge County represents payment of your deductible amount due within the policy coverage. Please send the payment due on your deductible as noted above to NIRMA within 30 days. Should you have any questions regarding this claim, you should contact me.

BOARD OF DIRECTORS

- Doris Karloff Saunders County, Larry Cerny Fillmore County, Beth Fiegenschuh Cheyenne County, Jean Andrews Dodge County, Kathy Brandt Morrill County, Tim McDermott Saline County, Bonnie Moore Sarpy County, Jim Peterson Cass County, Becky Richter Hamilton County, Ron Schmidt Madison County, R. Buddy Small Brown County

Thank you for your assistance with this matter.

Sincerely,

A handwritten signature in black ink, appearing to be 'John Christensen', with a long horizontal line extending to the right.

John Christensen, AIC

NIRMA Property/Liability/Workers' Comp Claims Adjuster