



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Denial of Verified Claim Against the City of Lodi

MEETING DATE: March 20, 1996

SUBMITTED BY: Human Resources Director

RECOMMENDED ACTION: To approve by motion action, denial of the following verified claim filed against the City of Lodi:

- A) James Fuchs and Doris Hammond
Date of Loss: 8/21/95

BACKGROUND INFORMATION: Following review of the verified claim filed against the City of Lodi, the City Attorney and/or the City's Contract Administrator, Insurance Consulting Associates, Inc. (ICA), recommend that the City deny the subject claim.

FUNDING: None required.

Respectfully submitted,

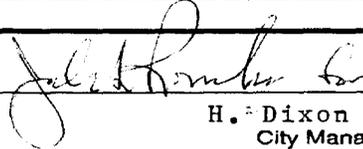


Joanne M. Narloch, Human Resources Director

Prepared by Jeff Beyers, Risk Manager

cc: City Attorney

APPROVED: _____


H. Dixon Flynn
City Manager



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CITY COUNCIL

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CITY OF LODI

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City Manager

JENNIFER M. PERRIN
City Clerk

RANDALL A. HAYS
City Attorney

Notice of Claim Rejection

March 26, 1996

Law Offices of Ladon G. Bader
1124 West Tokay Street
Lodi, CA 95240

RE: Claim against the City of Lodi
Date of Loss: 8/21/95
Claim Number: 96-96-15

Dear Mr. Bader:

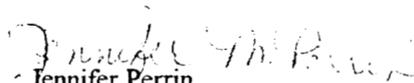
Notice is hereby given that the claim you presented to the City on Lodi on February 20, 1996, on behalf of your clients James Fuchs and Doris Hammond, is rejected as of the date of this letter.

Warning

Subject to certain exemptions, you have only six (6) months from the date that this notice was personally delivered or deposited in the mail to file a court action on your state law claims. See Government Code Section 945.6. The six month time limit referred to in this notice applies only to claims or causes of action which are governed by the California Tort Claims Act which does not apply to federal causes of action. Additionally, the Tort Claims Act contains certain exemptions. You may seek the advice of an attorney of your choice in connection with this matter. If you desire to consult with an attorney, you should do so immediately.

Please also be advised that, pursuant to Sections 128.5 and 1038 of the California Code of Civil Procedure, the City will seek to recover all costs of defense in the event an action is filed in this matter and it is determined that the action was not brought in good faith and with reasonable cause.

Sincerely,


Jennifer Perrin
City Clerk

cc: Bill Benson