



# CITY OF LODI

## COUNCIL COMMUNICATION

**AGENDA TITLE:** Denial of Verified Claim(s) Against the City of Lodi

**MEETING DATE:** November 6, 1996

**SUBMITTED BY:** Human Resources Director

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

- A) Freund, Melvin  
Date of Loss: 08/10/96
- B) Subry, Gabe  
Date of Loss: 05/31/96

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

**FUNDING:** None required.

Respectfully submitted,

Handwritten signature of Joanne M. Narloch in cursive.

Joanne M. Narloch, Human Resources Director

cc: City Attorney

APPROVED: \_\_\_\_\_

Handwritten signature of H. Dixon Flynn in cursive.  
H. Dixon Flynn -- City Manager

CITY COUNCIL

DAVID P. WARNER, Mayor  
PHILLIP A. PENNINO  
Mayor Pro Tempore  
RAY G. DAVENPORT  
STEPHEN J. MANN  
JACK A. SIEGLOCK

# CITY OF LODI

CITY HALL, 221 WEST PINE STREET  
P.O. BOX 3006  
LODI, CALIFORNIA 95241-1910  
(209) 333-6704  
FAX (209) 333-6816

H. DIXON FLYNN  
City Manager  
JENNIFER M. PERRIN  
City Clerk  
RANDALL A. HAYS  
City Attorney

## Notice of Claim Rejection

November 6, 1996

Matthew C. Jaime  
Matheny Poidmore Linkert & Sears  
P.O. Box 13711  
Sacramento, CA 95853-4711

RE: Claim against the City of Lodi  
Claimant: Gabe Subry  
Date of Loss: 5/31/96  
Claim Number: 96-42

Dear Mr. Jaime:

Notice is hereby given that the claim you presented to the City of Lodi on October 24, 1996, 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

CITY COUNCIL

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City Attorney

## Notice of Claim Rejection

November 6, 1996

Melvin Freund  
1523 Timberlake Circle  
Lodi, CA 95242

RE: Claim against the City of Lodi  
Date of Loss: 8/10/96  
Claim Number: 96-73

Dear Mr. Freund:

Notice is hereby given that the claim you presented to the City of Lodi on September 17, 1996, 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.

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Sincerely,

  
Jennifer Perrin  
City Clerk

cc: Bill Benson