



# CITY OF LODI

## COUNCIL COMMUNICATION

**AGENDA TITLE:** Denial of Verified Claims Against the City of Lodi

**MEETING DATE:** November 15, 1995

**SUBMITTED BY:** Human Resources Director

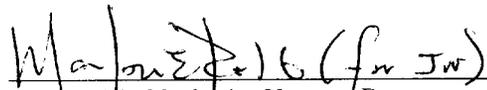
**RECOMMENDED ACTION:** To approve by motion action, denial of the following verified claims filed against the City of Lodi:

- A) Gerardo Gutierrez, date of loss 08/21/95
- B) Roger Harbin, date of loss 09/13/95
- C) Jose Rodriguez, date of loss 10/09/95

**BACKGROUND INFORMATION:** Following review of the verified claims 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 claims.

**FUNDING:** None required.

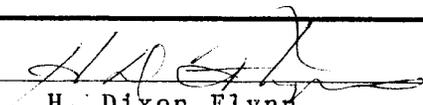
Respectfully submitted,

  
 \_\_\_\_\_  
 Joanne M. Narloch, Human Resources Director

Prepared by Marlon Robbins, Human Resources Analyst II.

cc: City Attorney

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

  
 H. Dixon Flynn  
 City Manager



CITY COUNCIL

STEPHEN J. MANN, Mayor  
DAVID P. WARNER  
Mayor Pro Tempore  
RAY G. DAVENPORT  
PHILLIP A. PENNINO  
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 15, 1995

Gerardo Gutierrez  
313 Elm St.  
Lodi, CA 95240

RE: Claim against the City of Lodi  
Date of Loss: 08/21/95  
Claim Number: 95-56

Dear Mr. Gutierrez:

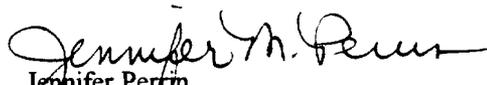
Notice is hereby given that the claim you presented to the City on Lodi on October 3, 1995, is rejected as of the date of this letter.

### 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

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City Attorney

## Notice of Claim Rejection

November 15, 1995

Lawrence R. Briscoe, Attorney At Law  
11 South San Joaquin St., Suite 306  
Stockton, CA 95202

RE: Claim of Roger Harbin against the City of Lodi  
Date of Loss: 09/13/95  
Claim Number: 95-60

Dear Mr. Briscoe:

Notice is hereby given that the claim you presented in behalf of Roger Harbin to the City on Lodi on October 24, 1995, 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

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City Attorney

Notice of Claim Rejection

November 15, 1995

Jose Rodriguez  
229 Stanislaus St.  
Lodi, CA 95240

RE: Claim against the City of Lodi  
Date of Loss: 10/09/95  
Claim Number: 95-58

Dear Mr. Rodriguez:

Notice is hereby given that the claim you presented to the City on Lodi on October 19, 1995, 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