



# CITY OF LODI

# COUNCIL COMMUNICATION

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

**MEETING DATE:** July 18, 2001

**SUBMITTED BY:** Human Resources Director

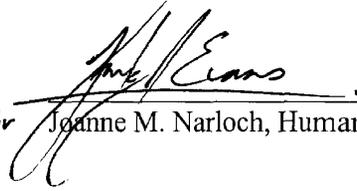
**RECOMMENDED ACTION:** To approve by motion action, denial of the following verified claim(s) filed against the City of Lodi:

- A) Avalos Lucia for Avalos III, Francisco (a minor) DOL: ~~03/01/01~~ 04/13/01
- B) Flores, Agustin DOL: ~~03/22/01~~ 10/09/00
- C) Garcia, Joe DOL: 05/01/01

**BACKGROUND INFORMATION:** Following review of the verified claims filed against the City of Lodi, the City's contract administrator, Insurance Consulting Associates, Inc. (ICA) and the Human Resources staff, recommend that the City deny the subject claims.

**FUNDING:** None Required.

Respectfully submitted,

  
 for Joanne M. Narloch, Human Resources Director

cc: City Attorney

**APPROVED:** \_\_\_\_\_  
H. Dixon Flynn -- City Manager

CITY COUNCIL

ALAN NAKANISHI, Mayor  
PHILLIP A. PENNINO  
Mayor Pro Tempore  
SUSAN HITCHCOCK  
EMILY HOWARD  
KEITH LAND

# CITY OF LODI

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

H. DIXON FLYNN  
City Manager  
SUSAN J. BLACKSTON  
City Clerk  
RANDALL A. HAYS  
City Attorney

## Notice of Claim Rejection

July 18, 2001

Agustin Flores  
850 S. Washington  
Lodi, CA 95242

RE: Claim against the City of Lodi

Claimant: Agustin Flores  
Date of Loss: 10/09/00  
Our Claim Number: 608

Dear Claimant:

Notice is hereby given that the claim you presented to the City of Lodi on April 6, 2001 is rejected as of the date of this letter.

### Notice

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 §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 §128.7 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,



Susan J. Blackston  
City Clerk

cc: City Attorney  
Risk Manager  
Richard Vercreuyssen, ICA

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City Attorney

## Notice of Claim Rejection

July 18, 2001

Joe Garcia  
531 Messer Place  
Patterson, CA 95363

RE: Claim against the City of Lodi  
Claimant: Joe Garcia  
Date of Loss: 05/01/2001  
Our Claim Number: 639

Dear Claimant:

Notice is hereby given that the claim you presented to the City of Lodi on May 8, 2001 is rejected as of the date of this letter.

### Notice

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 §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,



Susan J. Blackston  
City Clerk

cc: City Attorney  
Risk Manager  
Richard Vercreuyssen, ICA

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City Attorney

## Notice of Claim Rejection

July 18, 2001

Lucia Avalos  
901 S. Cherokee Lane # A  
Lodi, CA 95240

RE: Claim against the City of Lodi

Claimant: Lucia Avalos for Francisco Avalos III (a minor)  
Date of Loss: 04/13/2001  
Our Claim Number: 638

Dear Claimant:

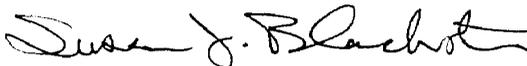
Notice is hereby given that the claim you presented to the City of Lodi on May 7, 2001 is rejected as of the date of this letter.

### Notice

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 §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,



Susan J. Blackston  
City Clerk

cc: City Attorney  
Risk Manager  
Richard Vercruyssen, ICA