



CITY OF LODI

COUNCIL COMMUNICATION

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

MEETING DATE: January 2, 2002

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) Kenneth C. Spivey

DOL: 05/25/01

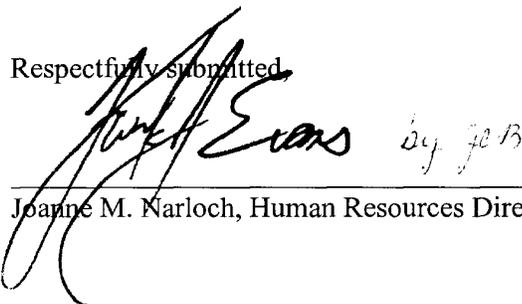
B) Kenneth C. Spivey

DOL: 05/26/01

BACKGROUND INFORMATION: Following review of the verified claim 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.

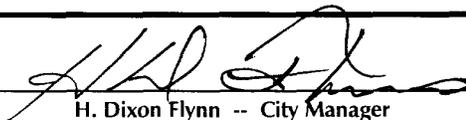
Respectfully submitted,



Joanne M. Narloch, Human Resources Director

cc: City Attorney

APPROVED: _____



H. Dixon Flynn -- City Manager

CITY COUNCIL

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

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

January 2, 2002

Kenneth C. Spivey
25 Elderica Way
Lodi, CA 95240

RE: Claim against the City of Lodi
Claimant: Kenneth C. Spivey
Date of Loss: 05/25/01
Our Claim Number: 724-01

Dear Claimant:

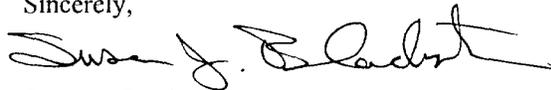
Notice is hereby given that the claim you presented to the City of Lodi on November 20, 2001 was rejected as of the date of this letter.

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
ICA

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City Attorney

Notice of Claim Rejection

January 2, 2002

Kenneth C. Spivey
25 Elderica Way
Lodi, CA 95240

RE: Claim against the City of Lodi
Claimant: Kenneth C. Spivey
Date of Loss: 05/26/01
Our Claim Number: 725-01

Dear Claimant:

Notice is hereby given that the claim you presented to the City of Lodi on November 20, 2001 was 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
ICA