



# CITY OF LODI

## COUNCIL COMMUNICATION

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

**MEETING DATE:** July 3, 2002

**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) Demshar, John P
- B) Kneeland, Mark

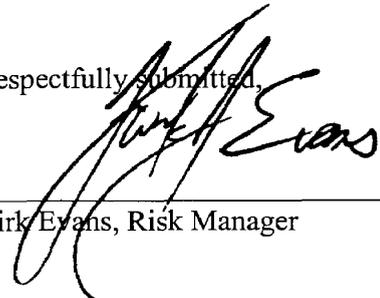
DOL: 4/15/02

DOL: 5/19/02

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

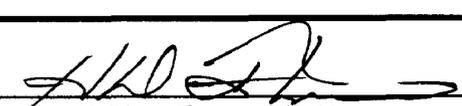
**FUNDING:** None Required.

Respectfully submitted,

  
\_\_\_\_\_  
Kirk Evans, Risk Manager

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

July 5, 2002

John P. Demshar  
1142 Chateau Ct.  
Lodi, CA 95240

RE: Claim against the City of Lodi  
Claimant: John P. Demshar  
Date of Loss: 4/15/02  
Our Claim Number: 762-02

Dear Claimant:

Notice is hereby given that the claim you presented to the City of Lodi on May 21, 2002 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 Blackston  
City Clerk

cc: City Attorney  
Risk Manager  
ICA

CITY COUNCIL

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City Attorney

## Notice of Claim Rejection

July 5, 2002

Mark Kneeland  
2427 Tejon St.  
Lodi, CA 95240

RE: Claim against the City of Lodi  
Claimant: Mark Kneeland  
Date of Loss: 5/19/02  
Our Claim Number: 761-02

Dear Claimant:

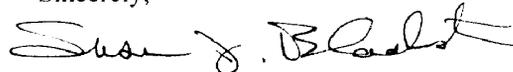
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Sincerely,



Susan Blackston  
City Clerk

cc: City Attorney  
Risk Manager  
ICA