



CITY OF LODI

COUNCIL COMMUNICATION

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

MEETING DATE: March 19, 1997

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) Bowen, Virginia
Date of Loss: 01/23/97
- B) Huck, Brian
Date of Loss: 01/28/97

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,

Joanne M. Narloch, Human Resources Director

cc: City Attorney

APPROVED: _____

H. Dixon Flynn -- City Manager

CITY COUNCIL

PHILLIP A. PENNINO, Mayor
JACK A. SIEGLOCK
Mayor Pro Tempore
KEITH LAND
STEPHEN J. MANN
DAVID P. WARNER

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

B. BENSON

MAR 25 1997

RECEIVED

MAR 24 1997

Notice of Claim Rejection

March 19, 1997

Virginia Bowen
c/o Michael F. Babitzke
6 So. El Dorado St., Suite 305
Stockton, CA 95202

RE: Claim against the City of Lodi
Date of Loss: 1/23/97
Claim Number: 97-04

Dear Mr. Babitzke:

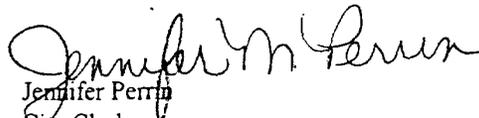
Notice is hereby given that the claim you presented to the City of Lodi on January 31, 1997, is rejected as of the date of this letter.

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

PHILLIP A. PENNINO, Mayor
JACK A. SIEGLOCK
Mayor Pro Tempore
KEITH LAND
STEPHEN J. MANN
DAVID P. WARNER

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

B. BENSON
MAR 25 1997

Notice of Claim Rejection

March 19, 1997

Brian Huck
2933 Estate Dr.
Stockton, CA 95209

RE: Claim against the City of Lodi
Date of Loss: 1/28/97
Claim Number: 97-05

Dear Mr. Huck:

Notice is hereby given that the claim you presented to the City of Lodi on February 5, 1997, 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