

CITY COUNCIL MEETING
MAY 21, 1986

3

CLAIMS

CC-4(c)

Following recommendation of the City Attorney and the City's Contract Administrator, L. J. Russo Insurance Services, Inc., Council, on motion of Council Member Snider, Olson second rejected the following claims and referred them back to the City's Contract Administrator:

Martha Strickland, DOL 12/9/85

Ronald Flaherty, DOL 3/21/86

Council Member Pinkerton expressed his consternation in that a very reputable local legal firm would represent Mr. Flaherty in his suit against the City and that he felt that this type of case is an example of why it is so important that Proposition 51 passes.

CITY COUNCIL

FRED M. REID, Mayor
EVELYN M. OLSON
Mayor Pro Tempore
DAVID M. HINCHMAN
JAMES W. PINKERTON, Jr.
JOHN R. (Randy) SNIDER

CITY OF LODI

CITY HALL, 221 WEST PINE STREET
CALL BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 334-5634

THOMAS A. PETERSON
City Manager

ALICE M. REIMCHE
City Clerk

RONALD M. STEIN
City Attorney

May 23 1986

Steven J. Cottrell,
A Professional Law Corporation
321 North California Street, Suite 6
Lodi, CA 95240

Re: Martha M. Stickland DOL 12/9/85

Dear Mr. Cottrell:

Notice is hereby given that the claim you presented to the City of Lodi on March 5, 1986 was rejected by action of the Lodi City Council at its regular meeting held May 21, 1986. The claim herein having been rejected, the following additional notification is given:

WARNING

Subject to certain exceptions, you have only six (6) months from the date this notice was personally delivered or deposited in the mail to file a court action on this Claim. See Government Code Section 945.6.

You should also be aware 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.

Very truly yours,

Alice M. Reimche
Alice M. Reimche
City Clerk

AMR:jj

cc: Leonard J. Russo, Inc.
Contract Administrator

LR

Leonard J Russo

CLAIMS ADMINISTRATION SERVICE

RECEIVED

1985 APR -4 AM 8:46

ALICE M. REIMCHE
CITY CLERK
CITY OF LODI

April 3, 1985

City of Lodi
P.O. Box 320
Lodi, CA 95241

Attn: Alice Reimche

Re: Insured:
Claimant:
Date of Loss:
Our File No.:

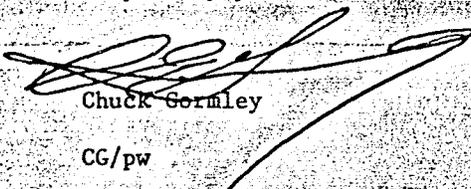
City of Lodi
Martha Strickland
12-9-85
3059 LX

Dear Ms. Reimche:

We have completed a preliminary investigation into the above accident. The defect alleged by the plaintiff in her Claim For Damages exists as alleged. We established contact with the plaintiff's attorney who advised us that at this time he was not interested in pursuing a claim against the City of Lodi, but was directing his attention at Paretts Store and he expected a resolution with their insurer in the next 45 days. We wish him all the success that he can achieve. I am not so optimistic as to believe, however, that the City will exculpate itself from this case should he be unsuccessful in settling it direct with the insurer. Therefore, we will continue to maintain our file with a reserve of \$5,000.00 which was set when we first incurred this loss.

I would suggest that the City Council deny this claim at its next meeting.

Very truly yours,


Chuck Gormley

CG/pw

2424 ARDEN WAY

BUILDING C-81

SACRAMENTO, CA 95825

916-920-5381

MEMORANDUM, City of Lodi, Public Works Department

C O N F I D E N T I A L

RECEIVED

1986 MAR 11 PM 3:22

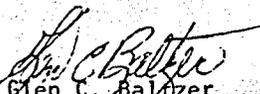
ALICE M. REIMCHE
CITY CLERK
CITY OF LODI

TO: Ron Stein, City Attorney
FROM: Street Superintendent
DATE: March 11, 1986
SUBJECT: Liability Claim, Martha M. Strickland D/L December 18, 1985

Per the request of the Public Works Director I have reviewed the attached claim, area and took pictures of the sidewalk at 213 South School Street which are attached.

Reviewing the area I found a vertical offset of approximately 1/2", which had a temporary patch placed on it. The patch was placed by Maintenance Worker II Steve Kessell while patching other areas in the downtown area during the period of February 11 through February 21, 1986. Checking the sidewalk inventory of that area which was done on July 2, 1985 I do not find a listing of a vertical offset.

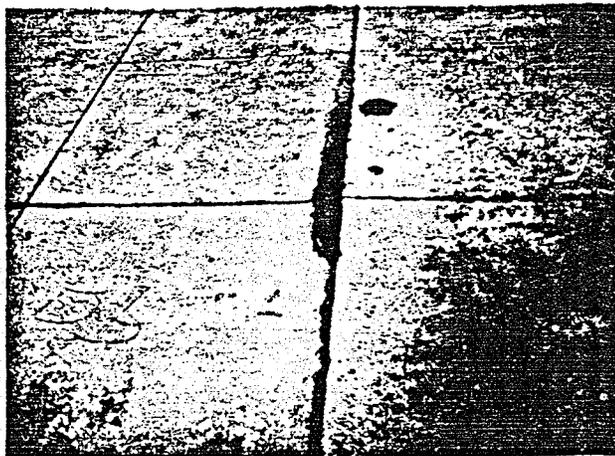
Should you have any questions regarding this matter, please feel free to contact me extension 680.


Glen C. Balzer
Street Superintendent

Attachments

cc: Public Works Director
City Clerk

GCB:sls



213 South School Street
March 10, 1986

In Re

MARTHA M. STRICKLAND,

Claimant.

PROOF OF SERVICE

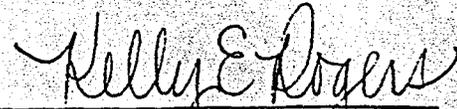
I served the CLAIM FOR DAMAGES TO PERSON OR PROPERTY upon the office of ALICE M. REIMCHE, CITY CLERK, personally, as follows:

Delivery at : 221 W. Pine Street
Lodi, California

Date of : March 5, 1986

At the time of service, I was at least 18 years of age and not a party to this action.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration is executed on March 5, 1986, at Lodi, California.


KELLY E. ROGERS

CITY COUNCIL

FRED M. REID, Mayor
EVELYN M. OLSON
Mayor Pro Tempore
DAVID M. HINCHMAN
JAMES W. PINKERTON, Jr.
JOHN R. (Randy) SNIDER

CITY OF LODI

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(209) 334-5634

THOMAS A. PETERSON
City Manager

ALICE M. REIMCHE
City Clerk

RONALD M. STEIN
City Attorney

July 1, 1986

Mr. William Bechtold
1428 Voelker Drive
Lodi, CA 95240

Dear Mr. Bechtold:

Notice is hereby given that the claim you presented to the City of Lodi on May 8, 1986 was rejected by action of the Lodi City Council at its regular meeting held June 25, 1986. The claim herein having been rejected, the following additional notification is given:

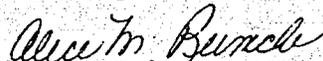
WARNING

Subject to certain exceptions, you have only six (6) months from the date this notice was personally delivered or deposited in the mail to file a court action on this Claim. See Government Code Section 945.6.

You may seek the advice of an attorney of your choice in connection with this matter. If you desire to consult an attorney, you should do so immediately.

You should also be aware 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.

Very truly yours,


Alice M. Reimche
City Clerk

AMR:jj

cc: Leonard J. Russo, Inc.
Contract Administrator