

CITY COUNCIL MEETING  
JUNE 19, 1985

cc 4c  
pg 454

CLAIMS

City Clerk Reimche apprised the Council that L. J. Russo Insurance Services, Inc. and the City Attorney had recommended denial of the following claims filed against the City of Lodi:

- a) Mrs. Gisela Phillips      DOL 11/1/84
- b) Mr. Takeo Shinmoto      DOL 5/31/85

On motion of Council Member Olson, Reid second, the heretofore listed claims were denied and referred back to the City's Contract Administrator, L. J. Russo Insurances Services, Inc.

*LR*  
**Leonard J Russo**

CLAIMS ADMINISTRATION SERVICE

RECEIVED

DATE: APR 19 1985

ALICE M. REIMCHE  
CITY CLERK  
CITY OF LODI

April 18, 1985

Mrs. Gisela Phillips  
1001 Dartmoor Circle  
Lodi, CA 95240

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

City of Lodi  
11-1-84  
2746 LX 075

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Dear Mrs. Phillips:

We are the Claims Administrators for the City of Lodi.

Your claim regarding a sewer back-up has been forwarded to us for investigation and handling.

I have reviewed your claim as presented and have discussed the loss with the appropriate City personnel. I am still unclear in my mind specifically what you feel the City might have done wrong. It would appear to me that your problem may have been caused by the original construction and installation made by your home's builder, whom I understand may have agreed to repair the problem. However, I will withhold any recommendations to my principal until you have had the opportunity to present to me the facts supporting your claim that the City was in some way responsible for your problem.

Very truly yours,

Chuck Gormley

CG/pw

bcc: Alice Reimche ✓

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2424 ARDEN WAY

---

BUILDING C-81

---

SACRAMENTO, CA 95825

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916-920-5381

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TO Alice Kunic  
City of Lodi

FROM Chuck Gormley  
LTR Sect

RECEIVED

SUBJECT Philip City

#2746

DATE 5/31/85

ALICE M. REINHOLD  
CITY CLERK  
CITY OF LODI

Alice

Ms Philip did not respond to my  
letter of 4-18-85. I suggest you  
issue a formal rejection at this  
time. I doubt that a claim will  
be pursued so I am closing our file.

SIGNED Chuck

TO *Alice Runch*  
*City of Lodi*

FROM *Chuck Gromky*  
*SVR Sect*

RECEIVED

SUBJECT *Shenmoto vs City*

1985 JUN 11 AM 9 09  
DATE  
ALICE M. REINICHE  
CITY CLERK  
CITY OF LODI

MESSAGE

*Attached is a copy of our adjuster report on this case.*

*I will keep in contact with plaintiffs atty and keep you posted.*

*I suggest the claim for damages be rejected by the city council.*

*Chuck Gromky*

SIGNED



*Leonard J Russo*

CLAIMS ADMINISTRATION SERVICE

June 7, 1985

City of Lodi

Re: Insured:	City of Lodi
Claimant:	Takeo Shinmoto
Date of Loss:	4-24-85
Our File No.:	2769

Dear Chuck:

PRELIMINARY REPORT

This is our first report of our investigative activities into the above case in caption.

DESCRIPTION OF ACCIDENT

This accident occurred on April 24, 1985 on Kettleman Lane, just east of Church Street, Lodi, California.

Lodi City employee, Darel Clark, operating a City of Lodi truck, was westbound on Kettleman Lane following the Claimant in the left turn lane. At the intersection with Church Street, the signal was green for left turns, and as the Claimant began his left turn, observed an eastbound ambulance on Kettleman Lane. The Claimant stopped to allow the ambulance, proceeding a Code 3, through the intersection and following its passing, again began his left turn. At this point, he observed a second ambulance, also Code 3, eastbound on Kettleman and stopped to allow clearance. City employee Clark apparently was distracted by the first ambulance and did not observe the Claimant stop for the second. The City vehicle rear ended the Claimant's vehicle.

POLICE REPORT

A copy of the Lodi Police report is enclosed. The investigating officer indicates a violation of Section 22350, excessive speed for conditions on the part of City employee Clark.

2424 ARDEN WAY

BUILDING C-81

SACRAMENTO, CA 95825

916-920-5381

# Leonard J Russo

CLAIMS ADMINISTRATION SERVICE

City of Lodi  
June 7, 1985  
Page Two

## BODILY INJURY CLAIMANT

The Claimant in this case is Takeo Victor Shinmoto, age sixty-five, date of birth, March 16, 1920, mailing address, P.O. Box 411, Walnut Grove, California, telephone (916) 776-1637. In the accident, the Claimant sustained soft tissue injuries with all the typical whiplash symptoms. He was seen by Dr. Henry Go, Courtland, California, on May 3rd, and again on May 17th. X-rays were taken of the cervical spine and left shoulder with a diagnosis of musculo skeletal sprain.

We have little information regarding the Claimant, as he is represented by counsel. The attorney is James A. Gualco, P.O. Box 342, Walnut Grove, California, 95690, telephone (916) 776-1727. We enclose a copy of Gualco's letter of representation along with the medical bills.

I would suggest a bodily injury reserve of \$3,500.00.

## PROPERTY DAMAGE

The adverse vehicle is a 1978 Ford Fairmont Sedan, bearing California license 047 USM. It has sustained major damage to the rear, as evidenced by the estimate submitted by the Claimant in the amount of \$2,130.26. In our telephone conversation with counsel, we suggested we have an appraiser establish the damage to this vehicle, however, counsel suggested the Claimant will pursue a collision claim through his carrier.

I suggest a property damage reserve in the amount of \$2,300.00.

## WITNESSES

We have not identified any witnesses to the accident.

## LIABILITY

From the facts as set forth in the police report, this is an apparent case of obvious liability. We can find no evidence with which to assess any comparative negligence to the Claimant.

## COMMENTS

As the Claimant is represented by counsel in this case, we are

 Leonard J Russo   
CLAIMS ADMINISTRATION SERVICE

City of Lodi  
June 7, 1985  
Page Three

now retiring the field file.

Very truly yours,

James Stebley  
Adjuster

JS/pw

Enclosures: Medical bills  
Attorney letter of representation

**JAMES A. GUALCO**  
ATTORNEY AT LAW  
POST OFFICE BUILDING  
P. O. BOX 342  
WALNUT GROVE, CALIFORNIA 95690  
TELEPHONE (916) 776-1727

SACRAMENTO OFFICE  
1220 - 25<sup>TH</sup> STREET  
SACRAMENTO, CALIFORNIA 95816  
TELEPHONE (916) 446-1244

May 24, 1985

Jim Stebley, Claims Administrator  
LJR Insurance Services  
2424 Arden Way, Building C81  
Sacramento, CA 95825

Re: Takeo Victor Shinmoto vs. City of Lodi

Dear Mr. Stebley:

Pursuant to our telephone conversation of May 23, 1985, I have enclosed herewith photocopies of the additional medical expenses incurred by Mr. Shinmoto as a result of the injuries that he received in the accident in which he was involved on April 24, 1985:

- |                                       |         |
|---------------------------------------|---------|
| 1. The Doctors Office, Henry Go, M.D. | \$28.00 |
| 2. Ben's Drug Store - prescription    | 13.45   |

Very truly yours,

*James A. Gualco*

JAMES A. GUALCO

JAG/klm  
Encls.

CITY COUNCIL

DAVID M. HINCHMAN, Mayor  
FRED M. REID  
Mayor Pro Tempore  
EVELYN M. OLSON  
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

June 25, 1985

Mr. Takeo V. Shinmoto  
P. O. Box 411  
Walnut Grove, CA

Dear Mr. Shinmoto:

Notice is hereby given that the claim you presented to the City of Lodi on May 2, 1985 was rejected by action of the Lodi City Council at its regular meeting held June 19, 1985.

The claim herein having been rejected, the following additional notification is given:

## W A R N I N G

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

AR:jj

cc: Leonard J. Russo, Inc.  
Contract Administrator