

Michael L. Lofton
Esther M. Lofton



March 13, 2009


His Honor Mr. Antonio Villaraigosa
Mayor, City of Los Angeles
City Hall
200 N. Spring Street
Los Angeles, CA 90012

Dear Mayor Villaraigosa:

As plenary (absolute) official of the City of Los Angeles having sworn/or affirmed to uphold the constitution of this nation and the state, you are expected to execute/enforce the Judgment and Order case #BC 385899: Lofton vs. Villaraigosa entered by Plaintiff Ex Parte on January 27, 2009 notwithstanding express mail forwarded by the LADWP to Michael L. Lofton and received on March 12, 2009 (A copy enclosed of the first two pages, titled "Notice of Discharge, Suspension or Probationary Termination") the contents of which were not made a part of the record in the only repository for truth (court) in case #BC 385899.

Sincerely,


Michael L. Lofton


Esther M. Lofton

(Sent by certified mail # 7006 2150 0001 3689 3799)

NOTICE OF DISCHARGE, SUSPENSION OR PROBATIONARY TERMINATION
APPOINTED AT LADWP ON 4-16-79

1. EMPLOYEE NAME LAST: Lofton FIRST: Michael MIDDLE:	2. EMPLOYEE NUMBER 532091
3. DEPARTMENT, BUREAU, OFFICE, OR MAJOR DIVISION Water and Power, (PXXX - ISS)	4. CLASS TITLE AND CODE Senior Electrical Mechanic 3834
5. RESIDENCE ADDRESS [REDACTED]	

6. TYPE OF ACTION (CHECK APPROPRIATE BOX)	
<input type="checkbox"/> A. Probationary Termination. EFFECTIVE _____ THERE IS NO APPEAL FROM THIS ACTION. However, you may request restoration of your name to the eligible list as described in item 18c below.	<input type="checkbox"/> C. Suspension (disciplinary - more than 5 working days). From _____ To _____ inclusive YOU MAY APPEAL THIS ACTION in accordance with the procedure outlined in 18b below.
<input type="checkbox"/> B. Suspension - lack of work, lack of funds or abolishment of position. EFFECTIVE _____ THERE IS NO APPEAL FROM THIS ACTION. If you have completed probation, your name will be placed on a reserve list for preferential rehire. If you did not complete probation, your name will be placed on the eligible register until the list expires. If the list has expired at the time of layoff, it will be necessary to retake the examination.	<input type="checkbox"/> D. Suspension (disciplinary - 5 working days or less). From _____ To _____ inclusive THERE IS NO APPEAL FROM THIS ACTION UNLESS this suspension combined with other suspensions you have received within the preceding 12 months totals more than five (5) working days in which case the appeal procedure outlined in 18b below is available to you.
	<input checked="" type="checkbox"/> E. Discharge. EFFECTIVE <u>March 12, 2009</u> YOU MAY APPEAL THIS ACTION in accordance with the procedure outlined in 18b below.

7. Action pending before the Workers' Compensation Appeals Board? YES NO UNKNOWN

8. Cause of action (continue on Page 2 if required):
Flagrantly refusing to abide by supervisor's direct order to contact supervisor regarding current absence from duty (insubordination).
Failure to report to work as scheduled without proper approval or appropriate reason.
50-04 C-3 "Failing to make a reasonable effort to notify supervisor of inability to report for work"

(Employee served a five-day suspension from 1/6/84 to 1/12/84 for "insubordination" and three-day suspension from 3/29/83 to 3/31/83 for "Operating City equipment unsafely or carelessly; [was issued Notice to Correct Deficiencies dates January 19, 1983 for unsatisfactory driving and refusing work assignments]")

Handwritten notes:
18
19
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9. TYPED NAME AND TITLE OF APPOINTING AUTHORITY H. David Nahai - Chief Executive Officer and General Manager	10. SIGNATURE By: <i>H. David Nahai</i>	11. DATE 3/10/09
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12. SERVICE OF NOTICE
INSTRUCTIONS: A copy of this notice must be served upon every person who is suspended, discharged, or terminated on probation. In accordance with Charter Section 1018, service of notice may be made by handing a copy to the person or by sending a copy by certified mail to the person's last known residence if, after due diligence, the person cannot be found. The completed original of this notice must be filed immediately with the Board of Civil Service Commissioners. If this notice is not served personally, indicate on Page 2 what efforts were made to find the employee.

13. I hereby certify that a copy of this notice was served on the subject employee on 3-11-2009 at 2:00 A.M. P.M.

14. Served Personally Certified Mail

15. EMPLOYEE'S LAST KNOWN RESIDENCE [REDACTED]	17. SIGNATURE OF PERSON WHO SERVED NOTICE <i>Curtis W. Smith</i>
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16. PRINTED NAME OF PERSON WHO SERVED NOTICE
CURTIS W. SMITH

18. UNEMPLOYMENT INSURANCE / APPEAL / RESTORATION PROCEDURE

a. UNEMPLOYMENT INSURANCE ELIGIBILITY.
See Page 2 for statement regarding your right to apply for unemployment insurance benefits.

b. DISCHARGE FOLLOWING PROBATION OR DISCIPLINARY SUSPENSION.
YOUR SIGNED WRITTEN APPEAL MUST BE FILED WITH THE CITY OF LOS ANGELES CIVIL SERVICE COMMISSION, ROOM 360, 700 EAST TEMPLE STREET, LOS ANGELES, WITHIN FIVE (5) CALENDAR DAYS, INCLUDING SATURDAY, SUNDAY, AND HOLIDAYS, AFTER THIS NOTICE WAS SERVED ON YOU. (Section 1016 of the Los Angeles City Charter, governing discharges and disciplinary suspensions, is reprinted on Page 2.

c. RESTORATION TO ELIGIBLE LIST FOLLOWING PROBATIONARY TERMINATION.
Your signed written request must be filed with the Personnel Department within five (5) calendar days, including Saturday, Sunday, and holidays after receiving this notice. Restoration may be made if your eligible register is still active. If the list has expired, it will be necessary to retake the examination.

Sec. 1016. Discharge or Suspension.

- (a) **Discharge or Suspension for Cause.** Any board or officer having the power of appointment shall have the power to suspend or discharge any officer, member or employee of the office or department. No person in the classified civil service shall be discharged or suspended except for cause, which shall be stated in writing by the board or officer having the power to make such discharge or suspension.
- (b) **Statement of Cause.** The written statement of cause shall be filed with the Board of Civil Service Commissioners, with certification that a copy has been served upon the person so discharged or suspended, in accordance with Section 1018. Upon filing with the board, the discharge or suspension shall take effect.
- (c) **Application for Hearing.** Within five days of service of the written statement upon any person so discharged or suspended, the person shall file a written application with the board in order to require the board to hold a hearing to investigate the grounds for the discharge or suspension. In the event that the person does not file an application, the board may, but is not required to, within 15 days after the filing of the written statement with the board, determine to hold a hearing to investigate the grounds for the discharge or suspension.
- (d) **Reinstatement; Restoration.** If, after an investigation and hearing as required by law is held, the board finds, in writing, that the grounds stated for the discharge or suspension were insufficient or were not sustained, the board shall order the person to be reinstated or restored to duty. With the consent of the appointing authority, the board may also reduce the length of the suspension, or may substitute suspension for discharge, if the board makes a written finding that such action is warranted. The order of the board with respect to the discharge or suspension shall be promptly certified to the appointing board or officer, and shall be final and conclusive.
- (e) **Compensation.** If the board orders reinstatement or restoration to duty of a person who has been discharged or suspended, the person shall be entitled to receive compensation from the City the same as if he or she had not been discharged or suspended by the appointing board or officer.
- (f) **Change of Disciplinary Review.** The Council may, by ordinance, provide for an alternative system for impartial review of employee discipline as set forth in subsections (b) through (e) of this section, provided that such a system conforms with due process standards for a fair hearing, and provided there remains a process for review of employee discipline in which costs are borne by the City.
- (g) **Finality of Order of Suspension for Lack of Funds.** The order of any appointing board or officer suspending any person because of lack of funds or lack of work in the department shall be final and shall not be subject to review by the Board of Civil Service Commissioners.
- (h) **Applicability.** The procedure for review of discipline set forth in this section shall not apply to:
- (1) those members of the Police Department appointed under civil service rules and regulations and sworn in, as provided by law, to perform the duties of regular police officers who are subject to the provisions of Section 1070 of the Charter.
 - (2) those members of the Fire Department appointed under civil service rules and regulations to perform the duties of regular firefighters who are subject to the provisions of Section 1060 of the Charter.
 - (3) any suspension of five working days or less in any 12 month period for personal delinquency. The reasons stated in writing for any suspension shall be furnished to the suspended employee and promptly filed with the board. Any suspension which results in an employee having a total suspended time by reason of the exercise of authority under this subsection in excess of five working days in any 12 month period shall be subject to all of the provisions of this section.
- (See also Charter Section 1017)

RIGHT TO APPLY FOR UNEMPLOYMENT INSURANCE BENEFITS

Under State law, an individual who has worked for the City MAY be eligible for unemployment insurance benefits.

If you wish to apply, do the following:

1. Go to the State of California Employment Development Department (EDD) office nearest your home.

TAKE WITH YOU TO THE EDD OFFICE:

2. Official notice of your separation from City Employment (resignation, discharge or layoff statement).
3. A recent City paycheck stub.
4. This notice. **IMPORTANT.** If EDD requests a City work address, use only one of the two listed below. All employees except those from Water and Power are to use the address on the left. Department of Water and Power employees are to use the address on the right.

PERSONNEL DEPARTMENT
City of Los Angeles
Room 867, City Hall
200 N. Spring Street
Los Angeles, CA 90012

DEPARTMENT OF WATER AND POWER
P.O. Box 111
Los Angeles, CA 90051
ATTN: Personnel Office
Room 546

Failure to use the correct address may unnecessarily delay the processing of your claim.

If you apply, EDD will determine whether or not you are eligible to receive benefits. It is not necessary for you to contact any City office.

8. Cause of Action (Continued from Page 1 - if required):**12. Service of Notice (Continued from Page 1 - if required):**

EMPLOYEE WOULD NOT ACCEPT AT 1300. ASKED TO HAVE MAILER.
CARRI SMITH, 3-11-09 1345.

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

LOS ANGELES CA 90012

OFFICIAL USE

Postage	\$ 0.42	0129
Certified Fee	\$2.70	05
Return Receipt Fee (Endorsement Required)	\$0.00	
Restricted Delivery Fee (Endorsement Required)	\$0.00	
Total Postage & Fees	\$ 3.12	



Sent To
 Mayor Antonio Villaraigosa
 Street, Apt/ No. City of LA, City Hall
 or PO Box No.
 City, State, ZIP+4
 200 N. Spring Street
 Los Angeles, CA 90012

PS Form 3800, August 2006

See Reverse for Instructions

7006 2150 0001 3689 3799

AIRPORT STATION
 LOS ANGELES, California
 900099992

0545300129 -0091

(800)275-8777

07:31:15 PM

03/13/2009

Product Description	Sales Receipt		Final Price
	Sale Qty	Unit Price	
LOS ANGELES CA 90012			\$0.42
Zone-1 First-Class Letter			
0.70 oz. Certified			\$2.70
Label #:	70062150000136893799		
Issue PVI:			\$3.12
Total:			\$3.12
Paid by:			
Cash			\$20.00
Change Due:			-\$16.88

Order stamps at USPS.com/shop or call 1-800-Stamp24. Go to USPS.com/clicknship to print shipping labels with postage. For other information call 1-800-ASK-USPS.

Bill#: 1000904129649
 Clerk: 05

All sales final on stamps and postage
 Refunds for guaranteed services only
 Thank you for your business

PICK UP A FREE
 RECYCLING ENVELOPE

Take an envelope to recycle your inkjet cartridge, cell phone or small electronics free of charge!

HELP US SERVE YOU BETTER

Go to: <http://gx.gallup.com/pos>

TELL US ABOUT YOUR RECENT
 POSTAL EXPERIENCE

YOUR OPINION COUNTS

Customer Copy