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California Court Upholds \$4.1 Million Jury Verdict for West Covina Fire Chief

By George Ogden

WEST COVINA - A California Court upholds a \$4.1 million jury verdict for Fire Chief fired after medical leave. In a decision handed down recently, the California Court of Appeals affirmed a jury verdict awarding over \$4.1 million in damages to former West Covina Fire Chief Larry Whithorn, who was terminated following prolonged medical leave. The jury found in favor of Whithorn on claims of disability discrimination, retaliation, failure to prevent discrimination and retaliation, whistleblower retaliation, and intentional infliction of emotional distress.

Chief Whithorn was 21 when he started working for the West Covina Fire Department and was with them for 28 years, rising through the ranks to become fire

chief in 2014. He consistently received top performance evaluations and had no history of discipline. In 2017, he took a seven-month medical leave during which he underwent four surgeries.

Evidence presented at trial showed Councilmember Tony Wu pressured former city manager Christopher Freeland to remove Chief Whithorn during his leave, referring to him as an "absentee chief". Freeland refused to fire Chief Whithorn, citing his outstanding job performance. This led to Freeland's dismissal from the city.

Chief Whithorn had filed a grievance shortly before his termination, citing harassment by a city planning commissioner and a union rep.

The Appellate Court jury found

in favor of Whithorn and upheld the original verdict.

The jury returned verdicts in favor of Whithorn on five of his causes of action: disability discrimination, retaliation, failure to prevent discrimination and retaliation, "whistleblower" retaliation, and intentional infliction of emotional distress. It awarded him \$4,145,595 in damages. The city must pay Whithorn, and the city must pay for all court appeal proceedings as well.

A lot of fingers are pointing towards four people connected with the city at the time and Tony Wu is at the top of the list, for this costly termination.

With the \$4,145,595 settlement, court costs, attorney's fees, witness payouts, this may cost the city well over \$5,000,000.