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"In May 2018, Whithorn learned that defendant Wu was trying to gain a majority in the City Council and his next order of business would be to fire the chief."

Complaint, **Whithorn v. City of West Covina**, 20STCV08916.  
(Los Angeles Superior Court. 3/3/2020).

## Legal Expenditure Update: Whithorn vs. City of West Covina

The City of West Covina terminated former Fire Chief Larry Whithorn on April 22, 2019.

Shortly thereafter, Whithorn filed a lawsuit alleging that after 28 years of service, excellent performance reviews, and no disciplinary issues, he was terminated due to a lengthy campaign by a handful of local officials, including the city's two firefighter unions, due to the extensive medical leave and ADA protected time off he had taken. Whithorn won the case. The City of West Covina appealed the jury decision. Whithorn won the appeal. The City appealed that decision to the California State Supreme Court. A summary of the process underway and possible financial impact follows.

- **Los Angeles Superior Court:** Whithorn brought seven causes of action against the city. 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. **The jury awarded Whithorn \$4,145,595 in damages.**
- **California State Court of Appeal:** The City of West Covina appealed the Superior Court decision and lost that appeal.
- **California Supreme Court:** In August 2025, the City of West Covina appealed the Court of Appeal's decision to the California State Supreme Court. Once the Supreme Court receives a petition for review, it has 60 days to decide to review or not. Petitions to review a decision are granted if the review is necessary to secure uniformity of decision among the appellate courts or to settle an important question of law.

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Case Summary	Docket	Briefs
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Case Summary

Supreme Court Case: S292486  
Court of Appeal Case(s): B334222  
Second Appellate District, Div. 8  
B332558 (lead)  
WHITHORN v. CITY OF WEST COVINA  
Review - Civil Appeal  
Start Date: 08/18/2025  
Case Status: case initiated  
Issues: none  
  
Case Citation: none  
  
Cross Referenced Cases:  
No Cross Referenced Cases Found  
  
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## ***Interest Owed on a Judgement***

California Civil Code § 3287 and § 3289 allows the winner of the lawsuit to collect interest on this judgment until it is paid. Judgments are unpaid while appeal processes are underway. Most appeals do not result in a reversal of the lower court's decision so it is likely West Covina will be responsible to pay interest on the judgment. When the judgment debtor is a state or local government entity, the interest rate on the unpaid judgment is 7% per year. ***Interest on a "\$4 million" judgment is \$290,191.65 for each year the judgment is unpaid.***

## **Who Pays the Legal Expenses?**

In the United States, the "American Rule" on attorney fees means each party, including the winning party, pays its own lawyers. There are exceptions. Sometimes, for example, a contract or a statute requires the losing party to pay the prevailing party's fees. ***In Whithorn vs. City of West Covina case, the losing party—the City of West Covina—will pay its own attorney expenses and the prevailing party's attorney expenses.***

During a recent city council meeting, Mayor Tony Wu stated the City of West Covina only pays \$1 million dollars, that "insurance" pays the remainder. ***The accuracy of his statement is a concern. For example:***

### **EXAMPLES OF TRIAL LEGAL EXPENSES**

- Filing and Court Fees
- Attorney and Staff Costs
- Expert Witness and Consultant Bills
- Document Production and Discovery
- Trial Preparation Costs
- Travel and Lodging Expenses
- Alternative Dispute Resolution Costs
- Interest Owed on a Judgment

The City of West Covina is a member of a 33-city risk sharing pool, the California Joint Powers Insurance Authority (JPIA). JPIA "provides liability coverage that offers members two program options: the primary liability program and the excess liability program." In effect, JPIA operates as an insurance company. ***Will the JPIA deny the city's claim? Will JPIA increase the city's annual membership rate? Will cities who govern appropriately wish to pay for West Covina's inappropriate micromanagement?***

Whithorn vs City of West Covina is just one of a number of wrongful terminations filed against the city. One case was settled out of court. Other cases are making their way through the court system or anticipated to be filed. ***These lawsuits could have been avoided had the Wu Council majority and city leadership recognized their role is to provide policy and oversight the city manager, not to determine which department head or staff member should be employed.***

***The answer to the question: "Who pays the legal expenses?" YOU do: the residents of West Covina.***

Furthermore, will history repeat itself? Is our current city manager Milan Mrakich at risk? There are rumors he might be. If so, we might pay another multi-million dollar wrongful termination judgment.

## **Learn about this case.**

Complaint, Los Angeles Superior Court Case 20STCV08916  
Decision, California State Court of Appeal Cases B332558, B334222  
California Supreme Court Case S292486

Why are West Covina's Legal Expenses Skyrocketing?  
Reckless City Council Decisions Cost City Millions  
Council Code of Conduct

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