

**EXCERPT**

**COURT TESTIMONY: MATTHEW JACKSON, MAY 1, 2023**  
**TOPIC: FIREFIGHTER ASSOCIATION ELECTED OFFICIAL ENDORSEMENT PROCESS**

This lawsuit was filed against the City of West Covina by a former fire chief for disability discrimination, disability retaliation, whistleblower retaliation, and intentional infliction of emotional distress. The City of West Covina lost the case. The former fire chief was awarded \$4.1 million and almost \$1 million in attorney fees. West Covina is appealing the lawsuit.

This excerpt discusses the candidate endorsement process that occurred between the Wu council majority and the West Covina firefighter's association (aka union) prior to the former fire chief's termination. This testimony gives insight into why elected officials do not control fire department overtime. Simply stated, candidates endorsed by the firefighter's union benefit enormously via the firefighters' political action committee's independent expenditures on mailers, yard signs, and contributions. For example, a Recipient Committee California "Form 460" filed for the November 2019 election reported the firefighter's union spent \$42,139.17 influencing our votes (District 4 (\$25,321.78); District 5 (\$5,016.18); and citywide Treasurer (\$11,801.61)). Their effort was successful: It resulted in the "Wu council majority."

*Jerri Potras, May 13, 2024*

**Note: In this excerpt, "Q" is Anthony Ngyuen, attorney for the plaintiff. He is questioning "A" Matthew Jackson, former president of West Covina Firefighters Association IAF Local 3226.**

|    |   |          |  |
|----|---|----------|--|
| 1  | SUPERIOR COURT OF THE STATE OF CALIFORNIA   | 14       | Q. ALL RIGHT. NOW, JUST FOCUSING A LITTLE BIT ON         |
| 2  | FOR THE COUNTY OF LOS ANGELES               | 10:37 15 | THE UNION ITSELF, IN TERMS OF ITS BACKING OF CERTAIN     |
| 3  | DEPARTMENT 54 MAURICE A. LEITER, JUDGE      | 16       | ELECTED OFFICIALS, IT'S CORRECT THAT THE UNION ENDORSES  |
| 4  |   | 17       | TONY WU, CORRECT?  |
| 5  | LARRY WHITHORN, )                           | 18       | A. WE HAVE ENDORSED TONY WU IN THE PAST, CORRECT.        |
| 6  | PLAINTIFF, )                                | 19       | Q. AND THE UNION HAS ALSO ENDORSED DARIO                 |
| 7  | VS. )                                       | 10:38 20 | CASTELLANOS IN THE PAST, CORRECT?                        |
| 8  | CITY OF WEST COVINA, )                      | 21       | A. YES.  |
| 9  | DEFENDANT. )                                | 22       | Q. AND THE UNION HAS ALSO PROVIDED SUPPORT FOR           |
| 10 |   | 23       | THEM VIA ITS POLITICAL ACTION COMMITTEE, CORRECT?        |
| 11 |   | 24       | A. THAT IS CORRECT, YES.                                 |
| 12 | <u>REPORTER'S TRANSCRIPT OF PROCEEDINGS</u> | 10:38 25 | Q. OKAY. AND IT WOULD DO SO BY DOING THINGS LIKE         |
| 13 | MONDAY, MAY 1, 2023                         | 26       | PAYING FOR ADVERTISEMENTS AND THINGS LIKE THAT, CORRECT? |
|    |   | 27       | A. CORRECT.  |
|    |   | 28       | Q. AND THE UNION ALSO SUPPORTED A CITY TREASURER         |

1 BY THE NAME OF COLLEEN ROZATTI, CORRECT?  
 2 A. THAT IS CORRECT.  
 3 Q. AND AT LEAST AS OF 2018, AFTER BACKING  
 4 MR. CASTELLANOS AND MS. ROZATTI, THOSE TWO WERE ACTUALLY  
 10:38 5 ELECTED INTO THEIR RESPECTIVE OFFICIAL POSITIONS,  
 6 CORRECT?  
 7 A. CORRECT.  
 8 Q. ALL RIGHT. NOW, IN TERMS OF --  
 9 A. ACTUALLY, CAN I AMEND THAT? IT IS CORRECT  
 10:38 10 THAT TONY WU WON HIS POSITION AND COLLEEN ROZATTI WON  
 11 ONE OF HER POSITIONS. WE ALSO ENDORSED HER FOR  
 12 CITY COUNCIL AND SHE LOST THAT.  
 13 Q. BUT SHE WON FOR CITY TREASURER?  
 14 A. CORRECT, SHE WON FOR THE CITY TREASURER BUT  
 10:39 15 LOST FOR THE CITY COUNCIL POSITION.  
 16 Q. IN TERMS OF TONY WU'S ENDORSEMENT, HE WAS  
 17 ELECTED IN NOVEMBER OF 2015. DOES THAT SOUND FAMILIAR?  
 18 A. I DON'T KNOW THE EXACT DATE, BUT THAT SOUNDS  
 19 LIKE AROUND THE RIGHT TIME.  
 10:39 20 Q. OKAY. AND THE UNION ENDORSED MR. WU DURING  
 21 HIS CAMPAIGN, CORRECT?  
 22 A. YES, WE DID.  
 23 Q. OKAY. NOW, MR. WU SUGGESTED OR ACTUALLY  
 24 TESTIFIED OR REFERENCED THAT THE UNION ON ITS OWN  
 10:39 25 DECIDED TO ENDORSE MR. WU. THAT'S NOT ACCURATE,  
 26 CORRECT?  
 27 A. CAN YOU BE MORE SPECIFIC?  
 28 Q. SURE. TONY WU HAD STATED THAT THE

1 FIREFIGHTERS UNION ON ITS OWN DECIDED TO ENDORSE HIM.  
 2 THAT IS NOT ACCURATE?  
 3 A. WELL, WHENEVER WE -- WHENEVER THERE'S A  
 4 CAMPAIGN, WE WAIT FOR CANDIDATES TO CONTACT US AND ASK  
 10:40 5 FOR AN ENDORSEMENT. TONY WU CONTACTED US AND ASKED IF  
 6 HE COULD MEET WITH US, AND WE MET WITH HIM, AND I  
 7 BELIEVE WE GAVE HIM A QUESTIONNAIRE. WE NORMALLY GIVE  
 8 CANDIDATES A QUESTIONNAIRE. AND WE DISCUSSED JUST  
 9 VARIOUS STAFFING ISSUES WITH THE FIRE DEPARTMENT AND  
 10:40 10 CONCERNS THAT WE HAD ABOUT -- BUDGETARY CONCERNS. AND  
 11 WE INTERVIEWED HIM TRYING TO DETERMINE IF HE WAS A  
 12 CANDIDATE THAT WE WANTED TO ENDORSE, AND THEN WE  
 13 EVENTUALLY ENDORSED HIM.  
 14 Q. SO, IN OTHER WORDS, MR. WU ACTUALLY REACHED  
 10:40 15 OUT TO THE UNION AND ASKED THE UNION TO ENDORSE HIM,  
 16 CORRECT?  
 17 A. CORRECT.  
 18 Q. AND THEN THE UNION WENT THROUGH ESSENTIALLY A  
 19 VETTING PROCESS THAT INCLUDED A QUESTIONNAIRE AND  
 10:41 20 MEETING WITH MR. WU BEFORE DECIDING TO ENDORSE HIM,  
 21 CORRECT?  
 22 A. CORRECT.  
 23 Q. AND I TAKE IT THE UNION DID THE SAME THING  
 24 WITH MR. CASTELLANOS?  
 10:41 25 A. THAT IS CORRECT.  
 26 Q. AND YOU'RE SURE THAT WHEN ENDORSING  
 27 MR. CASTELLANOS YOU HAD CONVERSATIONS WITH HIM ABOUT  
 28 SIMILAR ISSUES RELATED TO HOW HE WOULD SUPPORT MATTERS

1 RELATING OR AFFECTING THE UNION, CORRECT?

2 A. CORRECT, WE TALKED ABOUT STAFFING ISSUES AND  
3 BUDGETARY CONCERNS.

4 Q. AND YOU ALSO HAD CONVERSATIONS WITH  
10:41 5 MR. CASTELLANOS ABOUT YOUR INTEREST IN REMOVING  
6 CHIEF WHITHORN AS FIRE CHIEF?

7 A. I DON'T RECALL HAVING A CONVERSATION ABOUT  
8 THAT WITH HIM. I DO BELIEVE THAT IT WAS FAIRLY WELL  
9 KNOWN WITHIN THE COMMUNITY THAT WE WERE UNHAPPY WITH THE  
10:42 10 FIRE CHIEF'S PERFORMANCE, BUT IT WASN'T A ROUTINE THING  
11 THAT WE, YOU KNOW, DISCUSSED DURING MEETINGS WITH  
12 PEOPLE.

13 Q. AND YOU HAD SIMILAR CONVERSATIONS WITH MR. WU  
14 ABOUT YOUR INTEREST IN REMOVING CHIEF WHITHORN AS FIRE  
10:42 15 CHIEF, CORRECT?

16 A. I DON'T RECALL. WE DID A VOTE OF NO  
17 CONFIDENCE AGAINST THE FIRE CHIEF AT ONE POINT, AND, YOU  
18 KNOW, I'VE HAD CONVERSATIONS WITH ALL OF THESE PEOPLE  
19 BECAUSE THEY WERE COUNCILMEMBERS AND I WAS IN A POSITION  
10:42 20 WHERE I OFTEN MET WITH COUNCILMEMBERS, AND OUR  
21 DISPLEASURE WITH HIS PERFORMANCE SOMETIMES CAME UP, YES,  
22 BUT WHEN THOSE PARTICULAR CONVERSATIONS HAPPENED, I  
23 CAN'T SAY FOR SURE.

24 MR. NGUYEN: I'D LIKE TO READ FROM  
10:43 25 MR. JACKSON'S DEPOSITION, PAGE 72/LINE 8 THROUGH  
26 LINE 12.

27 MS. MISETICH: NO OBJECTION, YOUR HONOR.

28 MR. NGUYEN: AND THIS IS FROM MR. JACKSON'S

1 DEPOSITION TAKEN OCTOBER 19, 2022.

2 "QUESTION: BUT DID YOU HAVE  
3 CONVERSATIONS WITH COUNCILMEMBER WU ABOUT  
4 YOUR EXPRESSED INTEREST IN THE REMOVING  
10:43 5 CHIEF WHITHORN AS FIRE CHIEF?

6 "ANSWER: I'M SURE I HAD CONVERSATIONS  
7 WITH HIM ABOUT THAT, BUT WHEN THEY WERE,  
8 I DON'T RECALL."

#### NEWS REPORTS ON THIS CASE

City News Service. (2023, December 11). [Former West Covina fire chief wins nearly \\$1 million in attorneys fees in discrimination suit](#). *San Gabriel Valley Tribune*.

EIN Presswire. (2023, May 5). [Jury Delivers \\$4.1 Million Verdict for Ousted Fire Chief Whithorn against West Covina](#).

Henry, J. (2023, May 5). [Former West Covina fire chief awarded \\$4.1 million in wrongful termination suit](#). *San Gabriel Valley Tribune*.

Montoya, R. (2023, May 9). [Former Former West Covina fire chief wins \\$4.1 million in wrongful termination suit](#). SAC Media.