

Former West Covina police chief's age discrimination suit trial delayed

LOS ANGELES — Next week's scheduled trial of an age discrimination lawsuit brought by a former West Covina police chief has been delayed four months in the wake of the recent \$4.1 million award won by a former city fire chief who was fired on the same day in 2019, raising the possibility the outcome of the completed case could lead the upcoming one to settle.

Los Angeles Superior Court Judge Daniel Murphy granted a joint request by attorneys for Marc Taylor and the city to reschedule the trial date from Tuesday to Sept. 5.

On May 5, a jury awarded former Fire Chief Larry Whithorn \$4.1 million in his suit for disability discrimination, disability retaliation, whistleblower retaliation and intentional infliction of emotional distress. Trial testimony revealed that the West Covina Firefighters Association, through its then-president Matthew Jackson, allegedly engaged in various tactics to leverage a better union contract for the city's firefighters, which included targeting Whithorn immediately after his medical leave with a no-confidence vote.

The Whithorn trial also included testimony from the City Councilman Tony Wu, who was endorsed by the union and alleged to have called for Whithorn's termination as an "absentee chief." City Manager David Carmany was also called to the stand.

"The result of the Whithorn verdict substantially impacts the resolution of (the Taylor) case and the parties would like reasonable time to discuss settlement..." according to joint court papers filed Thursday by the Taylor case attorneys.

The Whithorn matter is "materially similar" to the Taylor case in that both men were terminated on the same day, the Taylor case attorneys further state in their court papers.

Lawyers for the city deny Taylor's age discrimination claim and maintain in their court papers that the plaintiff was terminated by Carmany "in direct response to his observations of Marc Taylor's poor

job performance" and after a vote of no-confidence taken by the local police union.

In his ruling last September denying the city's motion to dismiss Taylor's case, Murphy said two City Council members out of the four who voted to affirm Taylor's firing had made age-based comments to the former chief and that Taylor's successor was about 10 years younger than the plaintiff.

"When interpreted liberally in (Taylor's) favor, this evidence allows a reasonable jury to find that the council members harbored discriminatory animus and effectuated (Taylor's) termination based on that animus," the judge wrote.

Taylor's lawyers maintain in their court papers that in October 2017, shortly after Taylor was installed as chief, one of the council members who eventually voted to fire him told Taylor in a meeting that he should dye his white hair to make him look younger.

During the same time period, the late Councilman Mike Spence asked Taylor why he wanted to leave the retirement he began in 2009 and come back "at his age" to be police chief, Taylor's attorneys further state in their court papers. Taylor began his career in September 1981 as a reserve officer and left the department at the rank of commander.

In March 2019, the City Council fired then-City Manager Chris Freeland, Taylor's immediate supervisor, who had given him a "glowing recommendation," Taylor's lawyers state in their court papers.

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