

EXCERPT

**COURT TESTIMONY: TONY WU, APRIL 28, 2023; DAVID CARMANY, MAY 3, 2023
TOPIC: CITY MANAGER HIRING**

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 testimony describes the process the city council majority followed when they hired David Carmany as city manager for the City of West Covina.

Jerri Potras, May 19, 2024

Note: In this excerpt, “Q” is Anthony Ngyuen, attorney for the plaintiff. He is questioning “A” Tony Wu, City Council member, City of West Covina..

1	SUPERIOR COURT OF THE STATE OF CALIFORNIA	31
2	FOR THE COUNTY OF LOS ANGELES	
3	DEPARTMENT 54 HON. MAURICE A. LEITER, JUDGE	
4	LARRY WHITHORN)	20 Q. ARE YOU TALKING ABOUT DAVID CARMANY; IS THAT
5	PLAINTIFF,)	21 RIGHT?
6	VS.)	22 A. THE NEW CITY MANAGER WE HIRED AT THE CLOSED
7	WEST COVINA,)	23 SESSION 3 TO 2 APPROVE IS DAVID CARMANY.
8	DEFENDANT.)	24 Q. ALL RIGHT. AND WHEN HE WAS HIRED, HE WAS
9		25 INITIALLY HIRED ON AN INTERIM BASIS; CORRECT?
10	REPORTER'S TRANSCRIPT OF PROCEEDINGS	26 A. INTERIM, YES.
11	FRIDAY, APRIL 28, 2023	27 Q. THAT'S WHAT I SAID, INTERIM.
		28 A. OKAY.

1 Q. AND THEY 3-2 VOTE IN TERMS OF THE 3 THAT MADE UP
2 THAT VOTE WAS YOURSELF, MR. CASTELLANOS, AND MS. LOPEZ?

3 A. CORRECT.

4 Q. AND, IN FACT, BEFORE MR. CARMANY WAS HIRED AS
5 CITY MANAGER, YOU SPOKE WITH HIM BEFORE HE APPLIED?

6 A. YES.

7 Q. AND YOU ACTUALLY ENCOURAGED HIM TO APPLY?

8 A. I INTERVIEWED HIM, AND THEN I CHECK HIS RESUME,
9 BUT, YES, I ENCOURAGED HIM TO APPLY.

10 Q. AND YOU SPOKE WITH HIM ABOUT THE PROBLEMS OR
11 ISSUES AT THE CITY THAT YOU WANTED HIM TO FIX; CORRECT?

12 A. CORRECT.

13 Q. AND WERE YOU AWARE THAT YOU WERE THE ONLY
14 COUNCIL MEMBER TO SPEAK WITH MR. CARMANY BEFORE HE EVER
15 APPLIED?

16 A. I DISAGREE. I THINK I PROVIDE THE CONTACT
17 INFORMATION FOR ALL OTHER CITY COUNCIL. HAVE THEY TALKED
18 TO HIM OR NOT, I DON'T KNOW, BUT I DID SPOKE TO HIM ONE
19 TIME.

20 Q. OKAY. AND HE WAS HIRED IN APRIL OF 2019; IS
21 THAT RIGHT?

22 A. APRIL 2019, CORRECT. I THINK SO.

23 Q. SPECIFICALLY APRIL 2, 2019; DOES THAT SOUND
24 FAMILIAR?

25 A. WE HAVE TO WAIT FOR -- AFTER WE ELECTED, WE HAVE
26 TO WAIT FOR THREE MONTHS, SO-CALLED COOLING PERIOD, BY
27 LAW, TO TERMINATE THE CITY MANAGER DURING THE TIME. AND
28 SO THEN AFTER THAT, WE CAN HIRE A NEW CITY MANAGER, OKAY,

1 HOPEFULLY TO FIX THE CITY PROBLEM.

NEWS REPORTS RELATED TO CITY MANAGER HIRING

- Orona, J. (2024, May 9). [West Covina appoints Paulina Morales first female, and Latina city manager](#). *San Gabriel Valley Tribune*.
- Valdez, G. (2023, May 18). [City Manager submits resignation, citing 'personal reasons'](#). *San Gabriel Valley Tribune*.
- Yee, C. (2019, March 6). [West Covina city manager resigns, two other top officials leave too](#). *San Gabriel Valley Tribune*.
- Yee, C. (2019, April 3). [West Covina's interim city manager recently led La Puente staff](#). *San Gabriel Valley Tribune*.
- Yee, C. (2019, July 17). [West Covina wants interim city manager to take the job permanently ... for 1 year](#). *San Gabriel Valley Tribune*.

Note: In this excerpt, "Q" is Anthony Ngyuen, attorney for the plaintiff. "A" is David Carmany, then City Manager, City of West Covina..

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA
 2 FOR THE COUNTY OF LOS ANGELES
 3 DEPARTMENT 54 MAURICE A. LEITER, JUDGE
 4
 5 LARRY WHITHORN,)
 6 PLAINTIFF,) CASE NO. 20STCV08916
 7 VS.)
 8 CITY OF WEST COVINA,)
 9 DEFENDANT.)
 10
 11 REPORTER'S TRANSCRIPT OF PROCEEDINGS
 12 WEDNESDAY, MAY 3, 2023

13 Q. OKAY. NOW, PRIOR TO YOUR HIRING AT THE CITY
 14 OF WEST COVINA, AND IN FACT PRIOR TO YOUR INTERVIEWING,
 15 YOU SPOKE WITH COUNCILMEMBER TONY WU ABOUT THE OPENING,
 16 CORRECT?
 17 A. YES.
 18 Q. AND TONY WU ACTUALLY ENCOURAGED YOU TO APPLY
 19 FOR THE POSITION; IS THAT CORRECT?
 20 A. YES.
 21 Q. AND WHEN SPEAKING WITH MR. WU, COUNCILMEMBER
 22 WU WOULD EXPLAIN TO YOU THE PROBLEMS AND VARIOUS ISSUES
 23 THAT HE WANTED YOU TO POTENTIALLY FIX, CORRECT?
 24 A. CORRECT.
 25 Q. INCLUDING ISSUES RELATED TO LABOR UNION
 26 RELATIONS, CORRECT?
 27 A. CORRECT.
 28 Q. ALL RIGHT. NOW, AS FAR AS OTHER

1 COUNCILMEMBERS ON THE CITY COUNSEL OF WEST COVINA AT THE
 2 TIME, NO ONE ELSE REACHED OUT TO YOU ABOUT THE POSITION
 3 OTHER THAN MR. WU, CORRECT?
 4 A. NOT THAT I RECALL, CORRECT.
 5 Q. SO, IN OTHER WORDS, THE ONLY COUNCILMEMBER OF
 6 THE CITY OF WEST COVINA THAT YOU SPOKE WITH BEFORE
 7 APPLYING FOR THE POSITION WAS TONY WU, CORRECT?
 8 A. YES.