



LIEBERT CASSIDY WHITMORE

Labor and Employment Litigation Update

League of California Cities Annual Conference
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Presented By:

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Agenda

- Whistleblower Retaliation
- Public Official's Social Media Activity Implications
- Retirees and Disability
- Indirect Harassment
- Reverse Discrimination
- Investigation vs. Proceeding Implications for Disclosure



Out of Luck Whistleblowers



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Out of Luck Whistleblowers

- An employee's action is not successful if the defendant employer has established the same-decision defense and the plaintiff obtains no relief
 - *Lampkin v. County of Los Angeles* (2025) 112 Cal.App. 5th 920



When Is An Investigation “Active”?



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When Is An Investigation “Active”?

- A pending trial ≠ “active investigation” for purposes of CPRA disclosure
 - *Sacramento Television Stations Inc. v. Superior Court* (2025) 111 Cal.App.5th 984



Block with Caution



Block With Caution

- Public official's activity on personal social media accounts like Twitter and Facebook can create liability as state action under 42 U.S.C. §1983
 - *Garnier v. O'Connor-Ratcliff* (9th Cir. 2025) 136 F.4th 1181



Wrong Door



Wrong Door

- Retirees are not entitled to sue for disability discrimination under the ADA.
 - *Stanley v. City of Sanford* (2025)
606 U.S.__(145 S. Ct. 2058)



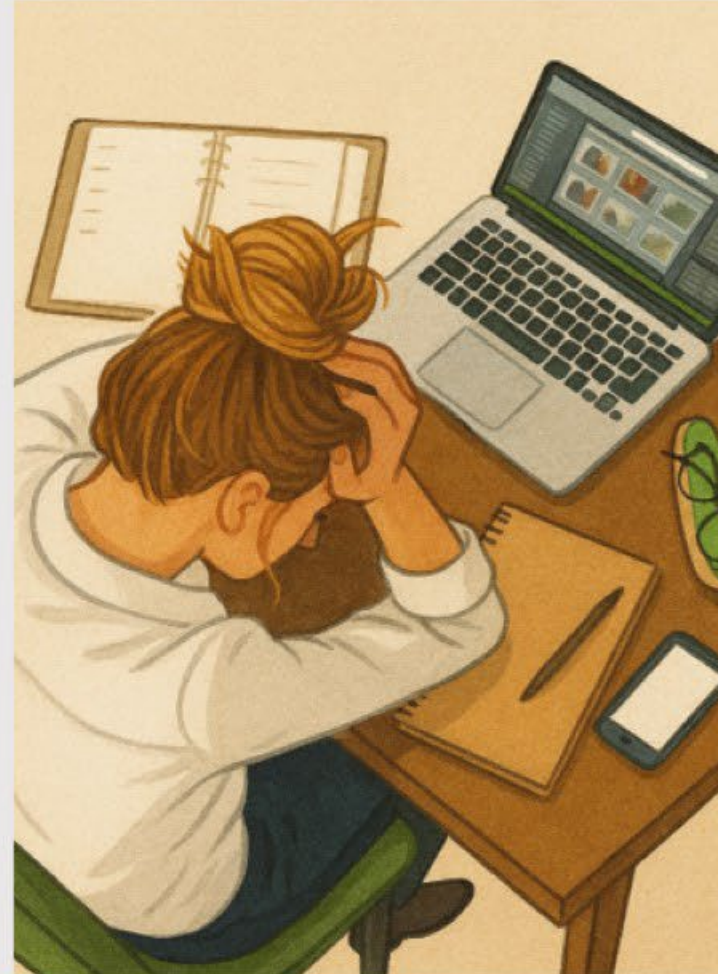
If You Know, You Know



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If You Know, You Know

- A female police officer can show sexual harassment even if she has no direct interaction with her harassers.
 - *Carranza v. City of Los Angeles* (2025) 111 Cal.App.5th 388



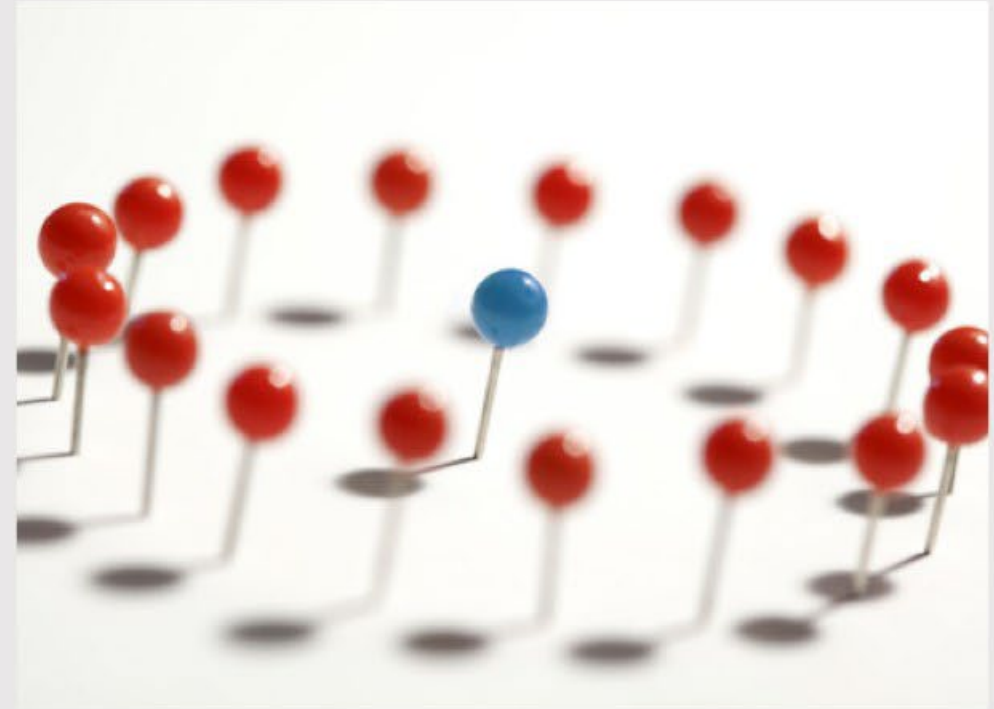
The Shoe Is On The Other Foot



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The Shoe is on the Other Foot

- Employee replaced by a white male combined with the employer's weak investigation raised inference of discrimination under Title VII.
 - *Lui v Dejoy* (9th Cir. 2025) 129 F.4th 770



The Shoe is on the Other Foot

- A plaintiff in a “reverse discrimination” case has the same evidentiary burden as a plaintiff in a minority group.
 - *Ames v. Ohio Department of Youth Services* (2025) 605 U.S. 303, [145 S.Ct. 1540]



Thank You!

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