

Interactions with Voice of San Diego
“Judge Orders City to Refile Hughes Lawsuits”

Dec. 19, 2022

Question:

Superior Court Judge Timothy Taylor just confirmed his tentative ruling calling for the city to amend its complaints in the 101 Ash and CCP cases against Jason Hughes to state that Hughes is/was not an agent of Cisterra. There was also a suggestion that perhaps the settlement agreement with Cisterra was not prescriptive enough on this matter of whether Hughes had divided loyalties.

As you are aware, the city’s counsel argued against finalizing this ruling and that the city’s complaints and settlement should not be read to suggest that Hughes was an agent of Cisterra. Judge Taylor disagreed, finalized his ruling and called for the city to file an amended complaint by Jan. 9. He also seemed to suggest that perhaps the city should amend its settlement agreement to create more clarity around this.

How would the city respond to today’s ruling?

I would argue that the city has suggested in some of its statement of facts that Hughes had divided loyalty, particularly as it relates to his contractual relationship with Cisterra which some have plainly read as something that made Hughes an agent of Cisterra despite statements in the contract itself suggesting otherwise. How would the city respond to this line of argument?

Could and/or will the City Attorney’s Office ask the city to amend the settlement agreement to further clarify that Hughes was not an agent of Cisterra? Does the City Attorney’s Office and/or outside counsel see this as a potential issue?

Response:

The City will amend and refile its complaint consistent with the court's direction. Today's ruling does not prevent the City from obtaining a trial at which Mr. Hughes can be held accountable for his actions.
