



# James J. Hughes, III

Partner



A partner in the firm’s Litigation group, Jim Hughes represents clients in all phases of complex commercial litigation matters, with a focus on health care, energy and environmental litigation. With over 30 years of experience, Jim is a knowledgeable and proficient litigation attorney who is considered one of the firm’s “go to” litigators serving a diverse client base. Clients view him as a strategic thinker and trusted advisor who is successful and adept in achieving early resolution of disputes and lawsuits by providing precise and careful counseling to clients.

Jim’s practice also touches Medicare and Medicaid compliance and litigation through his representation of health care providers, nursing homes, county boards serving persons with developmental disabilities, and ADAMH boards that serve persons with mental health challenges. Additionally, he advises health care systems on regulatory compliance, false claims, fraud and abuse, and anti-kickback matters. He has defended health care systems in matters brought by physician groups alleging tortious interference with business opportunities and anti-trust activities.

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## CONTACT INFORMATION

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## COLUMBUS OFFICE

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## Bar Admissions & Activities

- Admitted, Ohio Supreme Court; United States Court of Appeals for the Fourth and Sixth Circuits; United States District Court, Southern District of Ohio; Northern District of Ohio; Eastern District of Kentucky

## Education

- Capital University School of Law (J.D. with honors, 1986); Order of the Curia; *Capital University Law Review*; recipient, Dean's Scholarship based on academic merit
- Union College (B.A. with honors in history, 1980)
- The Ohio State University, Fisher College of Business (Executive Education Leadership Program, 2008)

## Awards & Recognition

- Listed, *Best Lawyers in America* (Commercial Litigation; Environmental Law; Litigation - Environmental), 2011–2021
- Columbus Lawyer of the Year, *Best Lawyers in America* (Litigation - Environmental), 2019
- Listed, *Ohio Super Lawyers* (Health Care; Business Litigation; Eminent Domain), 2012–2018
- Ranked, AV Preeminent, Martindale-Hubbell

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## INDUSTRIES & PRACTICES

Energy  
Oil & Gas  
Environmental Law  
Litigation  
Health Care Industry



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## Professional & Community Activities

- Member, Columbus Bar Association Ohio State Bar Association; American Bar Association
- Member, American Health Lawyers Association
- Past Member, Board of Trustees, Arthritis Foundation, Central Ohio Chapter
- Past Member, Board of Trustees, International Field Studies
- Past Member, Board of Trustees, Columbus Academy

## Experience

### Secured a \$42 million court award for three Ohio school districts

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Successfully recovered \$42 million, plus interest, for Cleveland, Dayton and Toledo city school districts after the Ohio Department of Education unlawfully deprived the districts of the funding they were entitled to receive. For more details, please view Bricker's full recap of the case.

### Immediate access to construct interstate gas pipeline

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Served as appellate counsel in an appeal from a federal district court order granting a natural gas pipeline company immediate access to property in order to construct the pipeline. This was a case of first impression for the Sixth Circuit, as it considered whether to adopt the *Sage* approach. The *Sage* decision is the seminal case that outlines the process for obtaining injunctive relief to begin construction of a FERC-approved pipeline while the underlying condemnation/valuation case proceeds.

### Federal eminent domain proceeding to construct \$450 million natural gas

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Obtained a temporary restraining order and preliminary injunction on an expedited timeline authorizing a natural gas pipeline company to access property subject to acquisition by eminent domain to conduct tree clearing activities in advance of moratoriums imposed on such activities in order to protect migratory birds and endangered bat species; contempt orders against property owners refusing to honor the order permitting access for tree clearing activities; and immediate injunctive relief against landowners refusing to permit access to their property via eminent domain for construction of a 75-mile natural gas pipeline in eastern Ohio. Also, negotiated settlements with landowners who permitted access and complex, technical settlements with public utilities to resolve overlapping easement situations.

### Injunctive relief to obtain survey access to construct natural gas pipeline

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Obtained injunctive relief in federal court permitting our client to access landowners' property to conduct survey activities during the FERC pre-application process in conjunction with its construction of a \$450 million, 75-mile natural gas pipeline.



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### Notice of assignment provisions

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Represented oil and gas clients in various Ohio appellate courts, including the Ohio Supreme Court and various intermediate appellate courts regarding notice of assignment provisions.

### Multiple lawsuits filed in Ohio Courts of Common Pleas to obtain survey

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Obtained injunctive relief for pipeline company client as trial counsel in 11 Ohio courts of common pleas in proceedings against landowners and organized opposition, allowing client access to property to conduct civil, cultural, environmental and cultural survey activities required for FERC application process in conjunction with the client's construction of a \$2 billion, 256-mile interstate natural gas pipeline originating in Ohio. The complexity of issues in these matters required sophisticated organization, detailed planning, and fine-tuned litigation management skills.

Cases:

*NEXUS Gas Transmission, LLC v. Haubert*, Columbiana C.P. No. 2015CV275 (June 2, 2015)  
*NEXUS Gas Transmission, LLC v. Sprague*, Erie C.P. No. 2015 CV 0349 (Oct. 29, 2015)  
*NEXUS Gas Transmission, LLC v. Sean S. Shinaberry Trust*, Fulton C.P. No. 15CV000154 (July 17, 2015)  
*NEXUS Gas Transmission, LLC v. Snyder*, Fulton C.P. No. 16CV128 (July 7, 2016)  
*NEXUS Gas Transmission, LLC v. Patricia A. Wolf, Trustee*, Huron C.P. No. CVH20150491 (July 21, 2015)  
*NEXUS Gas Transmission, LLC v. Karen M. Fridenstein & Kristin H. McDonough, Trustees*, Lorain C.P. No. 15CV186926 (July 15, 2015)  
*NEXUS Gas Transmission, LLC v. Pandy Farm, LLC*, Lorain C.P. No. 15CV186926 (Sept. 4, 2015)  
*NEXUS Gas Transmission, LLC v. Hozakski*, Lorain C.P. No. 16 CV 189911 (July 5, 2016)  
*NEXUS Gas Transmission, LLC v. Lonnie Perry Farms Ltd.*, Lucas C.P. No. CI201503111 (June 25, 2015)  
*NEXUS Gas Transmission, LLC v. Houston*, Medina C.P. No. 15CIV0636 (Oct. 6, 2015)  
*NEXUS Gas Transmission, LLC v. Ohms Acres LLC*, Sandusky C.P. No. 15CV535 (June 15, 2015)  
*NEXUS Gas Transmission, LLC v. Scott L. Rathfelder, Trustee*, Sandusky C.P. No. 15CV908 (Sept. 17, 2015)  
*NEXUS Gas Transmission, LLC v. Scott L. Rathfelder, Trustee*, Sandusky C.P. No. 15CV908 (Sept. 29, 2015)  
*NEXUS Gas Transmission, LLC v. Destefano*, Stark C.P. No. 2015CV01586 (July 31, 2015)  
*NEXUS Gas Transmission, LLC v. Camelback, Ltd.*, Stark C.P. No. 2015CV01586 (Sept. 2, 2015)  
*NEXUS Gas Transmission, LLC v. Linhart*, Stark C.P. 2015CV02073 (Oct. 7, 2015)  
*NEXUS Gas Transmission, LLC v. Srock*, Wayne C.P. No. CVC-H 000304 (Aug. 10, 2015)  
*NEXUS Gas Transmission, LLC v. Adkins*, Wayne C.P. No. CVC-H 000304 (Oct. 14, 2015)  
*NEXUS Gas Transmission, LLC v. North*, Wayne C.P. No. 2016 CVC-H 000327 (July 6, 2016)  
*NEXUS Gas Transmission, LLC v. Griffith*, Wood C.P. No. 15 CV 330 (July 14, 2015)  
*NEXUS Gas Transmission, LLC v. Sprague*, 6th Dist. Erie No. E-15-069, 2016-Ohio-4901 (July 7, 2016)

### Pharmaceutical supplier price dispute with nursing home

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Successfully defended nursing home in a lawsuit filed by a pharmaceutical supplier based on the defense that the price charged was excessive and not related to maximum allowable cost (MAC) or average wholesale price (AWP) for brand name and generic drugs.



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## Nursing home lost profits claim

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Successfully defended hospital against a \$4.5 million claim brought by a nursing home seeking to recover lost future profits arising out of failed transfer of Long Term Care Hospital (LTCH) beds from the nursing home to the hospital due to a moratorium imposed by the Center of Medicare & Medicaid Services.

## Interference with business opportunity claim by physician group

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Defended hospital in lawsuit brought by physician group seeking to recover \$8 million in lost future profits due to alleged interference with physician group's business relationship with referring physicians and patients.

## Physician group's lost profits claim

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Defended hospital in lawsuit brought by physician group seeking to enjoin hospital from terminating physician group's exclusive service agreement with hospital.

## Hospital patient debt collection

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Successfully defended hospital in lawsuit brought by debtor patients for alleged unlawful collection of debts discharged in bankruptcy.

## HIPAA lawsuit

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Obtained a defense verdict for a hospital in a lawsuit alleging invasion of privacy and violation of the Health Insurance Portability and Accountability Act (HIPAA) for alleged unlawful disclosure of personal health information.

## Medicaid service contracts

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Trial Counsel for local county boards serving persons with developmental disabilities in defense of an action brought by private providers seeking to eliminate service contracts between county boards and private providers as mandated by state and federal Medicaid law.

## Enjoined ODJFS Medicaid reimbursement rates

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Served as trial counsel to county boards and individual taxpayers to enjoin Ohio Department of Job and Family Services administrative rules that set Medicaid reimbursement rates in excess of the provider's usual and customary rate.



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## Misapplied school foundation funding

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Obtained a favorable decision in a \$40 million lawsuit filed on behalf of three large metropolitan school districts against the Ohio Department of Education claiming that ODE misapplied the statutory school foundation funding formula to the detriment of the school districts.

## Calculation of state foundation funding

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Recovered \$6 million in an action against the Ohio Department of Education in a matter involving the calculation of state foundation funding for public school systems.

## Calculation of state foundation funding

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Recovered \$7.2 million on behalf of the Dayton Public School District in a matter involving the calculation of state foundation funding for public school systems.

## Fraud and breach of contract claim

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Successfully defended a large metropolitan school district in a lawsuit filed by a real estate developer claiming \$10 million in lost future profits for fraud and breach of contract in conjunction with the development of property owned by the district.

## Beer manufacturer jury trial

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Obtained a favorable decision for a beer manufacturer following a jury trial in a matter involving post-termination business valuation of a beer distributing franchise under the Ohio Alcoholic Beverage Franchise Act.

## Enjoinment of cellular tower construction

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Successfully defended a major telecommunications company in action seeking to enjoin the construction of cellular communications tower.

## \$1.5 million verdict in Ohio Court of Claims

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Recovered \$1.5 million at trial in an action in the Ohio Court of Claims against the Ohio Department of Job and Family Services in a matter involving a \$52 million contract awarded to client to develop software application to manage Ohio's Child Welfare System.

## Multi-million dollar misappropriation of trade secrets

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Bench verdict for client against a contract manufacturer for misappropriation of trade secrets relating to proprietary formula used to manufacture professional grade hair color products.



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## **Trespass action brought against a surface mining company**

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Plaintiff's verdict in favor of a municipal water company in a trespass action brought against a surface mining company to enjoin mining activities that caused the sudden interruption and depletion of the municipality's water supply.

## **TRO on commercial tenant**

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Obtained temporary restraining order to enjoin activities conducted by client's commercial tenant that presented threat to human health and the environment due to application and handling of hazardous substances.

## **TRO defense for retail client**

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Successfully defended large retail client against commercial landlord's attempt to enjoin construction activities on leasehold site.

## **Warranty products**

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Successfully defended against attempt to enjoin the actions of a client engaged in the business of providing reinsurance coverage for automobile extended warranty products.