

# The San Diego Union-Tribune

## Why judge tossed PR staffer's case against Nathan Fletcher, MTS

Plaintiff has until Sept. 4 to petition judge to reconsider his order terminating the case

By [Dan Eaton](#) PUBLISHED: August 25, 2025 at 5:00 AM PDT

Grecia Figueroa lost her public relations job with the San Diego Metropolitan Transit System on Feb. 6, 2023. Figueroa then sued MTS and then-MTS Board Chairman and county Supervisor Nathan Fletcher.

Figueroa claimed Fletcher had sexually harassed her, MTS knew or should have known of that harassment and failed to address it, MTS fired her because of her gender, and MTS retaliated against her by firing her the same day Fletcher announced his candidacy for the California Senate. Figueroa claimed her amorous encounters with Fletcher were not consensual. Fletcher claimed they were.

Shortly after the case was filed, this column identified three questions key to the case:

- What was the nature of Fletcher's interactions with Figueroa?
- What was the nature of Fletcher's relationship with MTS?
- Who at MTS knew, or should have known, of Fletcher's conduct?

On Aug. 2, San Diego Superior Court Judge Matthew Braner summarily dismissed Figueroa's claims against MTS. One week later, Braner terminated Figueroa's case entirely, finding Figueroa engaged "in a pattern of preserving only the evidence she believed was helpful to her case, while actively deleting, or knowingly allowing to be deleted, evidence that was likely detrimental to her claims."

### Fletcher-Figueroa interactions

Braner concluded Figueroa was not entitled to a jury trial on any of her claims because she lost or destroyed documentary and audio evidence directly relevant to whether her relationship with Fletcher was consensual.

Allowing the case to proceed to trial would afford Figueroa "an undeserved opportunity to make an emotional appeal to a jury and attempt to explain away more than two years of consistent efforts to alter, delay, and destroy the substantial wealth of evidence that undermines her case."

Figueroa has until Sept. 4 to petition Braner to reconsider his order terminating the case. Figueroa's motion for reconsideration would be based on data Fletcher produced to Figueroa on Aug. 22 following a forensic examination of Fletcher's cellphone.

### **Fletcher-MTS relationship**

Braner found Fletcher was neither an MTS employee nor, in his interactions with Figueroa, its agent. MTS regulations prohibited board members from influencing personnel actions.

The law considers the actions of a supervisor or an employer's managing agent those of the employer. But "Fletcher was not involved in any decision-making related to (Figueroa's) termination in February 2023 and had no authority to direct her work in a manner that required independent judgment." Braner disregarded Figueroa's unsubstantiated assertion that Fletcher interacted with Figueroa as MTS' agent. Because Fletcher was not Figueroa's supervisor or an MTS managing agent, MTS could be liable for Fletcher's alleged unlawful sexual harassment only if MTS knew or should have known about it during her employment.

### **What MTS knew**

Figueroa admitted she had never reported any concerns to anyone at MTS about Fletcher's behavior before being fired. Without awareness of such behavior, MTS could not be liable for Fletcher's alleged harassment of Figueroa.

Figueroa's failure to complain before her termination also doomed Figueroa's claim for retaliation because that meant she had engaged in no pre-termination "protected activity." That she was terminated the same day Fletcher announced his state Senate candidacy did not matter because Figueroa had no evidence anyone at MTS had advance notice of Fletcher's announcement.

Addressing Figueroa's gender discrimination claim, Braner quoted from a Jan. 30, 2023, memorandum from one of Figueroa's supervisors recommending she be fired because of her tardiness, failure to meet deadlines and disorganized event planning.

Figueroa presented no evidence MTS' stated reasons for firing her were a pretext for gender discrimination. She presented no evidence "gender or sex was discussed, reference, or otherwise considered by MTS during her termination process or that she was treated differently from others."

### **Appeal likely**

Figueroa's attorney Francis Flynn told me he believes he has "strong grounds" to appeal. Flynn said MTS' stated motive for firing Figueroa was belied by the "meets expectations"

performance rating and raise she received in December 2022. Flynn also said it was undisputed MTS never gave Figueroa the January 2023 memorandum or any other document detailing performance deficiencies.

Separately, Braner set Fletcher's defamation case against Figueroa for trial next June.

Braner's rulings, then, either are the beginning of the end of resolving legal proceedings related to Figueroa's relationship with Fletcher or merely the end of the beginning.

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