

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
OHIO, WESTERN DIVISION

Child 1, et al. v. Shannon Kociancic

No. 3:24-cv-1114 (N.D. Ohio Jan. 8, 2026) · No. 3:24-cv-1114 · Decided January 8, 2026

SUMMARY

The United States District Court for the Northern District of Ohio denied Plaintiffs’ motion to require a City of Perrysburg representative to attend mediation and possess authority to approve Plaintiffs’ nonmonetary demands. The court held that the All Writs Act did not justify compelling a nonparty municipality to participate in the mediation or authorize settlement terms.

CASE DETAILS

COURT	United States District Court for the Northern District of Ohio, Western Division
WRITING FOR THE COURT	Jeffrey J. Helmick
JURISDICTION	United States District Court for the Northern District of Ohio, Western Division
DECIDED	January 8, 2026
DOCKET	3:24-cv-1114
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiffs moved under the All Writs Act, 28 U.S.C. § 1651, for an order compelling a nonparty City of Perrysburg representative with authority to grant plaintiffs' nonmonetary demands to attend a mediation. The court denied the motion.
STANDARD OF REVIEW	The court applied the statutory standard under the All Writs Act, asking whether compelling the nonparty's attendance was necessary or appropriate in aid of the court's jurisdiction and agreeable to the usages and principles of law.
PRECEDENTIAL VALUE	Nonprecedential district court order
PARTIES	Child 1, et al. v. Shannon Kociancic

TOPICS

- mediation
- equitable relief
- remedies
- civil procedure

PRACTICE AREAS

Civil procedure

Mediation

Federal courts

Remedies

QUESTIONS PRESENTED

1. Whether the All Writs Act authorized the court to compel a nonparty City of Perrysburg representative with authority over plaintiffs' nonmonetary demands to attend the parties' mediation.
2. Whether the City's potential interest in the mediation because of insurance coverage or increased litigation costs made such an order necessary or appropriate.

HOLDINGS

1. The All Writs Act did not authorize an order compelling a City of Perrysburg representative to attend the mediation and authorize plaintiffs' nonmonetary demands because the requested order was neither necessary nor appropriate in aid of the court's jurisdiction.

KEY QUOTATIONS

“Pursuant to the All Writs Act, federal courts “may issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law.”” (II. ANALYSIS)

“It does not justify a Court Order requiring not only that a City representative attend the mediation, but also that the City authorize up to the full amount of the nonmonetary damages demanded by Plaintiff so that Defendant may comply with Judge Greenberg’s Order.” (II. ANALYSIS)

FACTUAL BACKGROUND

Plaintiffs and defendant were scheduled to participate in mediation before Magistrate Judge Jonathan D. Greenberg, whose order required attendance by parties with ultimate settlement authority. Plaintiffs asserted that their nonmonetary demands could be authorized only by the City of Perrysburg and asked the court to compel a City representative to attend and authorize those demands. The City was not a party, had no direct liability for damages alleged in the action, and requested that the motion be denied.

PROCEDURAL HISTORY

The action was pending before the United States District Court for the Northern District of Ohio. After a magistrate judge ordered the parties and persons with ultimate settlement authority to attend mediation, plaintiffs sought to require a City of Perrysburg representative to attend even though the City was not a party. The district court denied the motion.

DISPOSITION

other

CASES CITED

- United States v. New York Tel. Co., 434 U.S. 159, 174 (1977)

OPINION

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION Child 1, et al., Case No. 3:24-cv-1114 Plaintiffs, v. ORDER Shannon Kociancic, Defendant. I. INTRODUCTION Before me is Plaintiffs' motion for an Order requiring a City of Perrysburg representative to attend mediation. (Doc. No. 53). More specifically, Plaintiffs request "the Court to use its authority under the All Writs Act, 28 U.S.C. § 1651, to order a City of Perrysburg representative with the authority to grant Plaintiffs' nonmonetary demands to attend the parties' upcoming mediation on February 4, 2026, and to authorize a subpoena accordingly as needed." (Id. at 1).

But the City of Perrysburg is not a party to this action, and rather than file an opposition brief to Plaintiff's motion, sent my chambers a letter in response asking that I deny Plaintiffs' request. The City also sent a copy of this letter to counsel for the parties. (See Doc. Nos. 55 and 55-1). II. ANALYSIS Pursuant to the All Writs Act, federal courts "may issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law." 28 U.S.C. § 1651(a). "The power conferred by the Act extends, under appropriate circumstances, to persons who, though not parties to the original action or engaged in wrongdoing, are in a position to frustrate the implementation of a court order or the proper administration of justice[.]" *United States v. New York Tel.*

Co., 434 U.S. 159, 174 (1977). Plaintiffs allege that by refusing to appear for the mediation before Magistrate Judge Jonathan D. Greenberg, the City of Perrysburg is frustrating the implementation of Judge Greenberg's Order: ATTENDANCE OF ALL PARTIES REQUIRED. Parties with ultimate settlement authority must be personally present. Ultimate settlement authority means the authority to settle up to the full amount of the other sides' demand.

(Doc. No. 47 at 1) (emphasis in original). Plaintiffs assert the "full amount of [their] demand" includes nonmonetary damages that Plaintiffs and Defendant agree can only be authorized by the City of Perrysburg. (Doc. No. 53 at 6). Hence, Plaintiffs suggest, Defendant may comply with Judge Greenberg's Order only if she is accompanied by a representative of the City with authority to acquiesce to each of Plaintiffs' demands.

Therefore, Plaintiffs ask that I compel the City of Perrysburg to produce such a representative to participate in the mediation. I soundly reject Plaintiffs' invitation to extend my authority under the All Writs Act, as requested.

Because Plaintiffs have stated no claim against the City of Perrysburg, they are not entitled to damages from the City directly. Further, even if Plaintiff is correct and the City's insurance policy may "cover the price of most, if not all, of any settlement... and [the City's] rates may increase because of either this settlement or continued litigation costs if mediation fails," (Doc.

No. 53 at 7), this is merely a reason the City might want to participate in the mediation. It does not justify a Court Order requiring not only that a City representative attend the mediation, but also that the City authorize up to the full amount of the nonmonetary damages demanded by Plaintiff so that Defendant may comply with Judge Greenberg's Order. III.

CONCLUSION Because it is neither necessary nor appropriate for me to Order a City of Perrysburg representative with the authority to grant Plaintiffs' nonmonetary demands to attend the parties' upcoming mediation, Plaintiffs' motion is denied. (Doc. No. 53). So Ordered. s/ Jeffrey J. Helmick United States District Judge