

**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.

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