UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF OHIO

NOEL A. CUMMINGS,

CASE NO.: 1:14-CV-01729

Plaintiff,

v.

OPINION AND ORDER [Resolving Doc. 55]

GREATER CLEVELAND REGIONAL TRANSIT AUTHROITY, et al.,

Defendants,

JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

On February 4, 2015, Plaintiff Noel A. Cummings and Defendant Greater Cleveland Regional Transit Authority settled their employment dispute. This Court retained jurisdiction over any subsequent disputes concerning the settlement's memorialization.

On August 5, 2016, Plaintiff Cummings filed a motion to review the settlement agreement, arguing that its terms conflict with Ohio Revised Code § 145.01 (R)(2)(h).<sup>3</sup> For the reasons below, this Court **DENIES** Plaintiff's motion for two reasons.

First, Plaintiff seeks an advisory opinion on the meaning of Ohio RC § 145.01 (R)(2)(h). Federal courts are not permitted to issue such opinions as "the exercise of judicial power under Art. III of the Constitution depends on the existence of a case or controversy." <sup>4</sup> Without an actual dispute, no such case or controversy exists.

<sup>&</sup>lt;sup>1</sup> Doc. <u>43</u>.

 $<sup>^{2}</sup>$  Id.

<sup>&</sup>lt;sup>3</sup> Doc. 55.

<sup>&</sup>lt;sup>4</sup> Preiser v. Newkirk, 422 U.S. 395, 401 (1975).

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Second, this Court retained jurisdiction only over conflicts arising from the agreement's

memorialization, not its substantive validity. This Court's retained jurisdiction terminated when

the agreement was signed in February 2015. Further, Plaintiff Cummings has requested that the

Ohio Public Employees Retirement System ("OPERS") review the settlement's substantive

propriety.<sup>5</sup> OPERS is not a party this case and the Court has no authority to order a non-party to

do anything.

IT IS SO ORDERED.

Dated: August 17, 2016

s/ James S. Gwin

JAMES S. GWIN

UNITED STATES DISTRICT JUDGE

<sup>5</sup> Doc. <u>58</u>.

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