IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

PHYLLIS BALL, et al.,

Plaintiffs,

v.

Civil Action 2:16-cv-282
Chief Judge Edmund A. Sargus, Jr.
Magistrate Judge Elizabeth P. Deavers

JOHN KASICH, et al.,

Defendants.

OPINION AND ORDER

This matter is before the Court for consideration of the *Expedited Motion of Amicus Curie Ohio Provider Resource Association ("OPRA") to Participate in Settlement* (ECF No. 310), *Plaintiffs, Defendants, Guardian-Intervenors' Joint Response and Opposition to OPRA's Expedited Motion to Participate in Settlement Negotiations* (ECF No. 311), and *OPRA's Reply Brief in Support of its Motion* (ECF No. 313). In its briefing, OPRA asks for permission to participate in the settlement negotiations scheduled for June 11, 2018, which the parties to this case oppose.

This Court granted OPRA permission to act as amicus curie, finding that, although "OPRA does not possess a legally cognizable interest in this action, [it] has a great interest in the outcome." (ECF No. 309.) This case arises under Title II of the Americans with Disabilities Act ("ADA"), 42 U.S.C. §§ 12132 *et seq.*, Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. §§ 794 *et seq.*, and the Social Security Act, 42 U.S.C. §§ 1396n(c)(2)(B). Plaintiffs allege that Defendants have violated their rights under these statutes, the Guardian-Intervenors maintain that if Plaintiffs are provided the relief they seek Defendants will violate the Guardian-Intervenors'

rights under these statutes, and Defendants contend that they are in compliance with these statutes. OPRA is not accused of violating these statues nor do they claim they are harmed by Defendants' alleged violations of these statutes. That is, OPRA is not a direct stakeholder in this action the same as a party in interest. Consequently, the Court finds that it would be inappropriate for them to participate in the settlement negotiations over the objections of the parties. Accordingly, the Court **DENIES** OPRA's request to participate in the settlement negotiations. (ECF No. 310.)

IT IS SO ORDERED.

5-29-2018
DATE

EDMUND A. SARGUS, JR.
CHIEF UNITED STATES DISTRICT JUDGE