

DANIEL M. HERRIGAN  
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IN THE COURT OF COMMON PLEAS  
SUMMIT COUNTY, OHIO

ALFRED KEITH, ) CASE NO.: CV 2011 12 6763  
)  
Plaintiff-Appellant, ) JUDGE CALLAHAN  
)  
v. )  
) JUDGMENT ENTRY  
JET RUBBER CO., et al., ) Final, Appealable Order  
)  
Defendants-Appellees. )

- - -

This matter is before the Court upon Defendant-Appellee Jet Rubber Co.'s Motion to Dismiss filed on February 14, 2012. To date, Plaintiff-Appellant Alfred Keith has not filed a response brief and the time to do so under Loc.R. 7.14(A) has expired. The Court will now proceed to consider the pending Motion to Dismiss.

Defendant-Appellee Jet Rubber Co. asserts that the instant matter should be dismissed for lack of jurisdiction over the subject matter and improper venue. Namely, Defendant-Appellee Jet Rubber Co. argues that Plaintiff-Appellant Alfred Keith's December 2, 2011 Complaint asserts claims under the Whistleblower Clean Air Act, 42 USC 7622, 29 CFR Part 42, which is a federal claim that is precluded from being pursued in state court. The Court agrees.

A plain reading of pro se Plaintiff-Appellant Alfred Keith's Complaint evidences that he is "appealing to the Common Pleas court under the Whistleblower Clean Air Act. 42USC 7622 29 CFR Part 24 for Retaliation." *Complaint*, (Dec. 2, 2011). The federal statute dictates that

the appropriate procedure to bring a claim under the Whistleblower Clean Air Act is to file a claim with the United States Secretary of Labor, and then to seek further redress to the United States Federal Sixth Circuit Court of Appeals. This Court, however, is without jurisdiction to address claims under the Whistleblower Clean Air Act.

Based on the foregoing, Defendant-Appellee Jet Rubber Co.'s Motion to Dismiss is **granted**. The instant matter is **dismissed with prejudice**.

This is a final, appealable order.

IT IS SO ORDERED.

  
JUDGE LYNNE S. CALLAHAN

cc: Plaintiff-Appellant Alfred Keith  
Attorney Christopher J. Freeman  
Defendant-Appellee Ohio Department of Job & Family Services