

RUSH, APPELLEE, v. ASTRO CONTAINER COMPANY, APPELLANT.

[Cite as *Rush v. Astro Container Co.*, 1999-Ohio-273.]

Employer and employee—Cause of action brought by employee alleging intentional tort by employer in workplace—R.C. 2945.01 is unconstitutional in its entirety—Court of appeals' judgment affirmed on authority of Johnson v. BP Chemicals, Inc.

(No. 98-1843—Submitted March 31, 1999—Decided April 28, 1999.)

APPEAL from the Court of Appeals for Hamilton County, No. C-970759.

Manley, Burke, Lipton & Cook and Andrew S. Lipton, for appellee.

Dinsmore & Shohl L.L.P. and George B. Wilkinson, for appellant.

{¶ 1} The judgment of the court of appeals is affirmed on the authority of *Johnson v. BP Chemicals, Inc.* (1999), 85 Ohio St.3d 298, 707 N.E.2d 1107.

MOYER, C.J., DOUGLAS, RESNICK, F.E. SWEENEY, PFEIFER and COOK, JJ., concur.

LUNDBERG STRATTON, J., dissents.

LUNDBERG STRATTON, J., dissenting.

{¶ 2} I respectfully dissent for the reasons set forth in my dissenting opinion in *Johnson v. BP Chemicals, Inc.* (1999), 85 Ohio St.3d 298, 707 N.E.2d 1107.
