

**CHEEK, RESPONDENT, v. INDUSTRIAL POWDER COATINGS, INC. ET AL.,  
PETITIONERS.**

**[Cite as *Cheek v. Indus. Powder Coatings, Inc.*, 1999-Ohio-427.]**

*Labor and industry—Civil rights—Employment discrimination—Industrial liability  
for alleged violations of the employment discrimination provisions of the  
Ohio Civil Rights Act.*

(No. 97-1962—Submitted February 10, 1999—Decided March 10, 1999.)

ON ORDER from the United States District Court for the Northern District of  
Ohio, Western Division, Certifying Question of State Law, No. 3:96CV7771.

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*Reese M. Wineman*, for respondent.

*Ziegler, Metzger & Miller L.L.P.*, *Stephen M. Bales* and *John E. Redeker*,  
for petitioners.

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{¶ 1} Pursuant to S.Ct.Prac.R. XVIII, the United States District Court  
certified the question of “Whether an individual employee, not otherwise deemed  
to be an ‘employer’ under the statute, may be individually liable for alleged  
violations of the employment discrimination provisions of the Ohio Civil Rights  
Act, Ohio Rev.Code §§ 4112.01(A)(2), 4112.02(A) & 4112.99?”

{¶ 2} Our response is in the affirmative. See *Genaro v. Cent. Transport,  
Inc.* (1999), 84 Ohio St.3d 293, 703 N.E.2d 782.

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

LUNDBERG STRATTON, J., dissents.

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SUPREME COURT OF OHIO

**LUNDBERG STRATTON, J., dissenting.**

{¶ 3} I disagree with the majority for the reasons set out in the dissenting opinions in *Genaro v. Cent. Transport, Inc.* (1999), 84 Ohio St.3d 293, 703 N.E.2d 782. I would hold that the General Assembly intended R.C. Chapter 4112 to impose liability only on employers, not on an employer's managers or supervisors. Therefore, I respectfully dissent.

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