

the plaintiff, testified that Mr. Moore had the right to use his discretion to determine how to de-escalate a resistant youth. The court finds that Mr. Moore acted appropriately in his efforts to de-escalate the youth. The plaintiff's testimony that he believed the policies were not followed is not persuasive. The plaintiff simply failed to prove that the defendant committed a workplace intentional tort as defined in *Gibson v. Drainage Products, Inc.*, 95 Ohio St.3d 171, 2002-Ohio-2008.

{¶ 4} The plaintiff also failed to prove that the defendant is liable for intentional infliction of emotional distress. The plaintiff argues that he was emotionally traumatized because the youth continued to taunt him. The plaintiff argues, for example, that the defendant should have transferred the youth to another juvenile correctional facility soon after the attack. However, it is well established that the court will not interfere with the classification and placement of inmates. See *Bell V. Wolfish* (1979), 441 U.S. 520, 99 5. Ct. 1861, 60 L. Ed.2d 447.

{¶ 5} The court further finds that the plaintiff did not suffer from severe emotional distress as the result of the defendant's actions. The plaintiff had a long history of emotional problems predating the incident at issue. The plaintiff failed to prove a case of intentional infliction of emotional distress as defined by *Yeager*

{¶ 6} *v. Local Union 20* (1983), 6 Ohio St.3d 369, syllabus and *Ashcroft v. Mt. Sinai Medical Ctr.* (1990), 68 Ohio App.3d 359.

{¶ 7} Judgment is rendered in favor of defendant. Court costs are assessed against plaintiff. The clerk shall serve upon all

parties notice of this judgment and its date of entry upon the journal.

J. CRAIG WRIGHT
Judge

Entry cc:

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Filed May 9, 2005

To S.C. reporter May 23, 2005

(This judgment entry was submitted to the court. In order to send via e-mail to Supreme Court, the judgment entry was scanned and placed in this document.)