

NOT RECOMMENDED FOR PUBLICATION

File Name: 16a0635n.06

No. 16-3403

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

FILED
Nov 30, 2016
DEBORAH S. HUNT, Clerk

THEODORE LUCIO, et al.)
)
Plaintiffs-Appellants,)
)
v.)
)
LEVY ENVIRONMENTAL SERVICES)
COMPANY, et al.)
)
Defendants-Appellees.)
)

ON APPEAL FROM THE
UNITED STATES DISTRICT
COURT FOR THE
NORTHERN DISTRICT OF
OHIO

BEFORE: NORRIS, GIBBONS, and ROGERS, Circuit Judges.

PER CURIAM. In this diversity employee-injury case, plaintiff Theodore Lucio appeals the grant of summary judgment for defendant Levy Environmental Services Company and its affiliated entities. Lucio fell from a slag-mill tower owned by Levy and suffered serious and permanent injuries. He received Ohio workers' compensation benefits, but also brought suit against Levy under Ohio Rev. Code § 2745.01, which allows an employee to recover outside the workers' compensation system for an employer's intentional tort. The district court excluded the opinion of Lucio's expert in part, and granted summary judgment for lack of evidence of intent to injure on the part of Levy. After carefully reviewing the record, the applicable law, and the parties' briefs, we conclude that the district court's opinion correctly sets out the facts and governing law. Because this court's issuance of a full opinion would serve no jurisprudential purpose and would be duplicative, we affirm on the basis of the well-reasoned opinion of the

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district court. Lucio v. Levy Environmental Services Co., No. 3:14CV1849, 2016 WL 1110244

(N.D. Ohio Mar. 22, 2016).