

**United States Court of Appeals**  
**FOR THE EIGHTH CIRCUIT**

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No. 09-1186

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DeAndre L. Askew,

Appellant,

v.

Sears Roebuck and Company,

Appellee.

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Appeal from the United States  
District Court for the  
Eastern District of Missouri.

[UNPUBLISHED]

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Submitted: December 4, 2009

Filed: December 9, 2009

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Before BYE, BOWMAN, and BENTON, Circuit Judges.

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PER CURIAM.

DeAndre Askew appeals the District Court's<sup>1</sup> adverse grant of summary judgment in his civil action asserting discriminatory termination and defamation. He also appeals the District Court's dismissal of his related assault claim for lack of jurisdiction, and the denial of his motion to compel. We find no error in the Court's denial of Askew's motion to compel, see Fed. R. Civ. P. 33, 34, 37(a)(3), or in the dismissal of Askew's assault claim, which arose out of a work-related confrontation between Askew and another employee, see Mo. Rev. Stat. § 287.120 (exclusive rights

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<sup>1</sup>The Honorable Henry E. Autrey, United States District Judge for the Eastern District of Missouri.

and remedies under Missouri Workers' Compensation Law); Skit Int'l, Ltd. v. DAC Techs. of Ark., Inc., 487 F.3d 1154, 1156 (8th Cir.) (de novo standard of review), cert. denied, 552 U.S. 991 (2007); Person v. Scullin Steel Co., 523 S.W.2d 801, 803–04 (Mo. 1975) (en banc) (assaults that are outgrowth of frictions generated by work itself are covered under Missouri Workers' Compensation Law). Upon careful review of the record, see Jacob-Mua v. Veneman, 289 F.3d 517, 520 (8th Cir. 2002) (de novo standard of review), we also conclude that summary judgment was proper for the reasons explained by the District Court.

Accordingly, we affirm.

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