

[Cite as *Rush v. Astro Container Co.*, 85 Ohio St.3d 362, 1999-Ohio-273.]

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

[Cite as *Rush v. Astro Container Co.* (1999), 85 Ohio St.3d 362.]

*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.

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

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

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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.

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