

MULLINS ET AL. v. RIO ALGOM, INC. ET AL.

[Cite as *Mullins v. Rio Algom, Inc.* (1999), ___ Ohio St.3d ____.]

Employer and employee — Cause of action brought by employee alleging intentional tort by employer in workplace — R.C. 2745.01 is unconstitutional in its entirety.

(No. 97-2491 — Submitted March 31, 1999 — Decided April 28, 1999.)

ON ORDER from the United States District Court for the Southern District of Ohio, Western Division, Certifying a Question of State Law, No. C-1-97-73.

Casper & Casper and *Arthur B. Casper*, for petitioners Mark Mullins et al.
Lindhorst & Dreidame, *William M. Cussen* and *Brian M. Kneafsey, Jr.*, for respondents Rio Algom, Inc. et al.

Betty D. Montgomery, Attorney General, and *Arthur J. Marziale, Jr.*, Assistant Attorney General, for intervenor-respondent Ohio Attorney General.

Michael R. Thomas, in support of petitioners, for *amicus curiae* Ohio Academy of Trial Lawyers.

Stewart Jaffy & Associates Co., L.P.A., *Stewart R. Jaffy* and *Marc J. Jaffy*, in support of petitioners, for *amicus curiae* Ohio AFL-CIO.

Manley, Burke, Lipton & Cook and *Andrew S. Lipton*, in support of petitioners, for *amicus curiae* Armco Employees Independent Federation, Inc.

The United States District Court for the Southern District of Ohio, Western Division, has certified the following question to us:

“Is Section 2745.01 of the Ohio Revised Code unconstitutional under state law thereby rendering Ohio Revised Code Section 2305.11.2 null and void?”

The certified question is answered in the affirmative 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.

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.