

## Weston Hurd Client News - October 28, 2014

### At Issue - Workplace Intentional Tort *Maestle and Cappel Notch Another Victory for Weston Hurd in the Ohio Supreme Court*

Today in *State ex rel. Yeaples v. Gall*, Slip Opinion No. 2014-Ohio-4724, the Ohio Supreme Court agreed with Shawn W. Maestle and Carolyn M. Cappel's argument that Relator, Donald Yeaples, was not entitled to either a Writ of Mandamus or Procedendo because he had failed to properly plead a co-employee workplace intentional tort. Consequently, the co-employee on the worksite at the time of Yeaples' injury was merely a nominal party and venue was not proper in Cuyahoga County.

In reaching this decision and reversing the Eighth District Court of Appeals for Cuyahoga County, the Supreme Court decided not to decide a broader issue of whether one employee can assert a workplace intentional tort against a co-employee as Yeaples contended was permitted under *Blankenship v. Cincinnati Milacron Chems., Inc.*, 69 Ohio St.2d 608, 433 N.E.2d 572 (1982).

Click here to view the Ohio Supreme Court's decision in [State ex rel. Yeaples v. Gall](#).

If you have questions or concerns about this case or any other matter, please feel free to contact Shawn Maestle or Carolyn Cappel.



**Shawn W. Maestle** is a Partner with Weston Hurd LLP and is the Chair of the firm's Appellate section and a member of the firm's Litigation section. He focuses his practice in the areas of appellate, commercial and real estate, as well as estate planning and probate litigation. Shawn can be reached at 216.687.3254 or [SMaestle@westonhurd.com](mailto:SMaestle@westonhurd.com).



**Carolyn M. Cappel** is the Managing Partner of Weston Hurd LLP. She focuses her practice on products liability, employment litigation, construction litigation and personal injury. Since 2007, Carolyn has been listed in the *Best Lawyers in America* for Insurance Law and Product Liability Litigation. In 2013, Carolyn was recognized by the *Best Lawyers in America* as a "Lawyer of the Year" in Cleveland for Product Liability Litigation - Defendants. Carolyn can be reached at (216) 687-3213 or at

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