

OPINIONS OF THE SUPREME COURT OF OHIO

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Peace, Appellant, v. Prudential Property and Casualty Insurance Company, Appellee.

[Cite as Peace v. Prudential Prop. & Cas. Ins. Co. (1993), Ohio St.3d .]

Insurance -- Underinsured motorist coverage -- Wrongful death claim -- Each person entitled to recover under R.C.2125.02 has separate claim subject to any per accident limit -- Each person who is covered by an uninsured/underinsured policy has a separate claim subject to a per person policy limit.

(No. 93-1716 -- Submitted November 9, 1993 -- Decided December 29, 1993.)

Appeal from the Court of Appeals for Erie County, No. E-92-60.

Ronald G. Kaufman, for appellant.

Flynn, Py & Kruse, L.P.A., James W. Hart and R.E. Digges III, for appellee.

The motion to certify the record is granted and the cause is reversed and remanded on authority of Savoie v. Grange Mut. Ins. Co. (1993), 67 Ohio St.3d 500, N.E.2d .

A.W. Sweeney, Douglas, F.E. Sweeney and Pfeifer, JJ., concur.

Moyer, C.J., concurs separately.

Wright, J., dissents.

Resnick, J., not participating.

Moyer, C.J., concurring separately. I concur separately in the judgment entry in the above-styled case. As my dissent in Savoie v. Grange Mut. Ins. Co. (1993), 67 Ohio St.3d 500, N.E.2d , stated, I do not agree with the law announced in the majority decision. Nevertheless, it is the law on the issue in the above-styled case. As I believe all parties should receive equal application of the law announced by this court, and only for that reason, I concur in the judgment entry.

Wright, J., dissenting. I must dissent in continuing protest to the majority's sundry holdings in Savoie v. Grange

Mut. Ins. Co. (1993), 67 Ohio St.3d 500, 620 N.E.2d 809. As stated in the dissent in *Savoie*, that holding lacks sound reasoning, reverses ten years of established case law and flaunts the will of the General Assembly. Thus, I feel compelled to remain in this posture until the General Assembly has had the opportunity to undo the damage caused to the public by this unfortunate, result-oriented decision.