

OPINIONS OF THE SUPREME COURT OF OHIO

The full texts of the opinions of the Supreme Court of Ohio are being transmitted electronically beginning May 27, 1992, pursuant to a pilot project implemented by Chief Justice Thomas J. Moyer.

Please call any errors to the attention of the Reporter's Office of the Supreme Court of Ohio. Attention: Walter S. Kobalka, Reporter, or Deborah J. Barrett, Administrative Assistant. Tel.: (614) 466-4961; in Ohio 1-800-826-9010. Your comments on this pilot project are also welcome.

NOTE: Corrections may be made by the Supreme Court to the full texts of the opinions after they have been released electronically to the public. The reader is therefore advised to check the bound volumes of Ohio St.3d published by West Publishing Company for the final versions of these opinions. The advance sheets to Ohio St.3d will also contain the volume and page numbers where the opinions will be found in the bound volumes of the Ohio Official Reports.

Borsick et al., Appellees, v. State Farm Fire & Casualty Company, Appellant.  
State Farm Mutual Automobile Insurance Company, Appellee, v. Borsick et al., Appellants.  
[Cite as Borsick v. State Farm Fire & Cas. Co. Ohio St. 3d .]

(No. 93-1066 -- Submitted January 25, 1994 -- Decided March 23, 1994.)

Appeals from the Court of Appeals for Erie County, No. E-92-26.

On Motion to Modify.

Murray & Murray Co., L.P.A., Dennis E. Murray, Sr. and Kirk J. Delli Bovi, for Borsick et al.

Meyers, Hentemann, Schneider & Rea Co., L.P.A., and Henry A. Hentemann, for State Farm Fire & Casualty Company and State Farm Mutual Automobile Insurance Company.

In an entry dated December 29, 1993, this court held as follows: "Pursuant to Savoie v. Grange Mut. Ins. Co. (1993), 67 Ohio St.3d 500, 620 N.E.2d 809, the judgment of the Court of Appeals for Erie County is reversed." 68 Ohio St.3d 81, 623 N.E.2d 1175.

The previous entry in this case captioned this cause as "Borsick et al., Appellants and Cross-Appellees, v. State Farm Mutual Automobile Insurance Company, Appellee and Cross-Appellant." We now modify the caption of this cause to reflect that there are two cases involved in this appeal as now shown in the caption.

In addition, we modify the December 29, 1993 entry to read as follows:

"As to the case captioned Borsick v. State Farm Fire & Cas. Co., the appeal is dismissed as having been improvidently allowed.

"As to the case captioned State Farm Mut. Auto. Ins. Co. v. Borsick, pursuant to Savoie v. Grange Mut. Ins. Co. (1993), 67 Ohio St.3d 500, 620 N.E.2d 809, the judgment of the Court of Appeals for Erie County is reversed."

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

Moyer, C.J., Douglas and Wright, JJ., concur in part and dissent in part.

Douglas, J., concurring in part and dissenting in part. I agree with the majority that State Farm Mut. Auto. Ins. Co. v. Borsick should be reversed on the authority of Savoie v. Grange Mut. Ins. Co. (1993), 67 Ohio St.3d 500, 620 N.E.2d 809. I dissent from the majority's decision to dismiss Borsick v. State Farm Fire & Cas. Co. as having been improvidently allowed. I would reinstate the appeal in that case.

Moyer, C.J., and Wright, J., concur in the foregoing opinion.