

OPINIONS OF THE SUPREME COURT OF OHIO

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Niece, Appellant, v. National Insurance Association, Appellee.
[Cite as Niece v. Natl. Ins. Assn. (1994), Ohio St.3d .]
Automobile liability insurance -- Provision in policy for uninsured/underinsured motorist coverage which precludes insured from commencing any action against insurance carrier for payment of uninsured/underinsured motorist benefit, unless the insured has commenced suit or demanded arbitration within one year from the date of the accident, is void as against public policy.
(No. 94-565 -- Submitted July 27, 1994 -- Decided August 31, 1994.)

Appeal from the Court of Appeals for Franklin County, No. 93APE08-1122.

Lamkin, Van Eman, Trimble, Beals & Rourke and Timothy Van Eman, for appellant.

Ulmer & Berne and Edwin J. Hollern, for appellee.

The judgment of the court of appeals is reversed and the cause is remanded to the trial court to apply Miller v. Progressive Cas. Ins. Co. (1994), 69 Ohio St.3d 619, N.E.2d .

Moyer, C.J., A.W. Sweeney, Douglas, Resnick, F.E. Sweeney and Pfeifer, JJ., concur.

Wright, J., dissents.

Wright, J., dissenting. I respectfully dissent for the reasons I expressed in my dissent in Miller v. Progressive Cas. Ins. Co. (1994), 69 Ohio St.3d 619, 625-627, 635 N.E.2d 317, 322-323.