

OPINIONS OF THE SUPREME COURT OF OHIO

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McCoy, Appellee, v. Western Reserve Mutual Lightning Rod Mutual Insurance Company, Appellant.

[Cite as McCoy v. W. Res. Mut. Lightning Rod Mut. Ins. Co. (1994), Ohio St.3d .]

Automobile liability insurance -- Uninsured motorist coverage designed to protect persons, not vehicles -- Policy provision which eliminates uninsured motorist coverage for persons insured thereunder who are injured while occupying a motor vehicle owned by an insured, but not specifically listed in the policy, violates R.C. 3937.18 and is invalid. (No. 93-1882 -- Submitted August 31, 1994 -- Decided October 5, 1994.)

Certified by the Court of Appeals for Montgomery County, No. 13808.

Dyer, Garofalo, Mann & Schultz, Ronald E. Schultz and Kimberly K. Harshbarger, for appellee.

Pickrel, Schaeffer & Ebeling, Andrew C. Storar and L. Michael Bly, for appellant.

Scanlon & Henretta Co., L.P.A., J. Thomas Henretta and Ann Marie O'Brien, urging affirmance for amicus curiae, Ohio Academy of Trial Lawyers.

Mark J. Huller and Lisa A. Love, urging reversal for amicus curiae, Cincinnati Insurance Company.

Olds, Lynett & Bradshaw Co., L.P.A., and John J. Lynett, urging reversal for amicus curiae, Ohio Insurance Institute.

The judgment of the court of appeals is affirmed on the authority of Martin v. Midwestern Group Ins. Co. (1994), Ohio St.3d , N.E.2d , decided today.

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

Moyer, C.J., concurs separately.

Wright, J., dissents for the reasons stated in the dissenting opinions in Martin v. Midwestern Group Ins. Co. (1994), Ohio St.3d , N.E.2d .

Moyer, C.J., concurring separately. I concur separately in the judgment entry in the above-styled case. As my dissent in

Martin v. Midwestern Group Ins. Co. (1994), Ohio St.3d
, 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.