

OPINIONS OF THE SUPREME COURT OF OHIO

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Fife, Appellant, v. Central Insurance Companies, Appellee.

[Cite as Fife v. Cent. Ins. Co. (1994), ___ Ohio St.3d ____.]

Automobile liability insurance — Uninsured motorist coverage designed to protect persons, not vehicles — Validity of insurance policy exclusion of uninsured motorist dependent upon whether it conforms to R.C. 3937.18 — 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. 94-1800 — Submitted November 15, 1994 — Decided December 14,
1994.)

Appeal from the Court of Appeals for Paulding County, No. 11-94-

1.

Arthur, O'Neil, Mertz & Bates Co., L.P.A., and Eric A.Mertz,
for appellant.

Clemens, Korhn & Liming and Stephen F. Korhn, for appellee.

A discretionary appeal is allowed, the judgment of the court
of appeals is reversed, and the cause is remanded to the trial
court to apply Martin v. Midwestern Group Ins. Co. (1994), 70
Ohio St.3d 478, 639 N.E.2d 438.

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

Moyer, C.J., concurs separately.

Wright, J., dissents.

Moyer, C.J., concurring separately. I concur separately in
the judgment entry in this case. As my dissent in Martin v.
Midwestern Group Ins. Co. (1994), 70 Ohio St.3d 478, 639
N.E.2d438, 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. For the reasons stated in the
dissenting opinions in Martin v. Midwestern Group Ins. Co.
(1994), 70 Ohio St.3d 478, 639 N.E.2d 438, I emphatically

dissent. We should overrule Martin, supra, and reinstate Hedrick v. Motorists Mut. Ins. Co. (1986), 22 Ohio St.3d 42, 22 OBR 63, 488 N.E.2d 840.