

OPINIONS OF THE SUPREME COURT OF OHIO

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Clark, Appellant, v. Nationwide Insurance Company, Appellee.
[Cite as Clark v. Nationwide Ins. Co. (1994), Ohio St.3d .]

Insurance -- Underinsured motorist coverage -- Underinsurance claim must be paid, when.

(No. 92-2583 -- Submitted January 12, 1994 -- Decided March 2, 1994.)

Appeal from the Court of Appeals for Franklin County, No. 92AP-485.

Daniel J. Igoe, for appellant.

Crabbe, Brown, Jones, Potts & Schmidt, John M. Gonzales and William H. Jones, for appellee.

The judgment of the court of appeals is reversed on the authority of *Savoie v. Grange Mut. Ins. Co.* (1993), 67 Ohio St.3d 500, 620 N.E.2d 809, and the cause is remanded to the trial court for application of *Savoie*.

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 the above-styled case. As my dissent in *Savoie v. Grange Mut. Ins. Co.* (1993), 67 Ohio St.3d 500, 602 N.E.2d 809, 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.