

OPINIONS OF THE SUPREME COURT OF OHIO

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J.C. Penney Casualty Insurance Company, Appellee, v. Adkins, Gdn., Appellant.

[Cite as J.C. Penney Cas. Ins. Co. v. Adkins (1994), Ohio St.3d .]

Insurance -- Underinsured motorist coverage -- Each person who is covered by an uninsured/underinsured policy has a separate claim subject to a per person policy limit.

(No. 93-105 -- Submitted January 25, 1994 -- Decided March 23, 1994.)

Appeal from the Court of Appeals for Franklin County, No. 92AP-498.

Tsitouris & Gerrity and Chris C. Tsitouris, for appellee.
Pratt & Buchert, Gregory K. Pratt and Joseph R. Matejkovic, for appellant.

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

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, 620 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.