

**LEGGE ET AL., APPELLEES, v. NATIONWIDE MUTUAL INSURANCE COMPANY,
APPELLANT.**

[Cite as *Legge v. Nationwide Mut. Ins. Co.*, 1996-Ohio-60.]

Insurance—Motor vehicles—Pursuant to former R.C. 3937.18, an underinsurance claim must be paid, when—Determining amount of underinsurance coverage to be paid.

(No. 95-2276—Submitted July 10, 1996—Decided August 7, 1996.)

APPEAL from the Court of Appeals for Franklin County, No. 95APE04-396.

Crabbe, Brown, Jones, Potts & Schmidt, Michael R. Henry and Kristen H. Smith, for appellant.

{¶ 1} The judgment of the court of appeals is affirmed on the authority of *Cole v. Holland* (1996), 76 Ohio St.3d ___, ___ N.E.2d ___.

DOUGLAS, RESNICK, F.E. SWEENEY and PFEIFER, JJ., concur.

MOYER, C.J., and COOK, J., dissent.

STRATTON, J., not participating.
