

**BROWN, ADMR., APPELLANT, v. WALLBROWN; MOTORISTS MUTUAL  
INSURANCE COMPANY, APPELLEE.**

**[Cite as *Brown v. Wallbrown*, 1998-Ohio-229.]**

*Motor vehicles—Insurance—Scope of coverage of an underinsured motorist claim—Statutory law in effect at time of entering into contract for automobile liability insurance controls the rights and duties of the contracting parties.*

(No. 97-2212—Submitted June 24, 1998—Decided July 22, 1998.)

APPEAL from the Court of Appeals for Franklin County, No. 96APE12-1633.

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*Leeseberg, Maloon, Schulman & Valentine, Anne M. Valentine, Geoffrey M. Wardle and Gerald S. Leeseberg*, for appellant.

*Keener, Doucher, Curley & Patterson, L.P.A.*, and *W. Charles Curley*, for appellee.

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{¶ 1} The judgment of the court of appeals is reversed on the authority of *Ross v. Farmers Ins. Group of Cos.* (1998), 82 Ohio St.3d 281, 695 N.E.2d 732.

MOYER, C.J., DOUGLAS, RESNICK, F.E. SWEENEY and PFEIFER, JJ., concur.  
COOK and LUNDBERG STRATTON, JJ., dissent.

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**Cook, J., dissenting.**

{¶ 2} For the reasons stated in my dissenting opinion to *Ross v. Farmers Ins. Group of Cos.* (1998), 82 Ohio St.3d 281, 291, 695 N.E.2d 732, I respectfully dissent.

LUNDBERG STRATTON, J., concurs in the foregoing dissenting opinion.

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