

**LAUBENTHAL, APPELLEE, v. MIDWESTERN INDEMNITY COMPANY, APPELLEE;
STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY, APPELLANT.**

[Cite as *Laubenthal v. Midwestern Indemn. Co.*, 1998-Ohio-29.]

Judgment of court of appeals affirmed on authority of Ross v. Farmers Ins. Group of Cos.

(Nos. 98-1123 and 98-1142—Submitted August 19, 1998—Decided October 28, 1998.)

APPEAL from and CERTIFIED by the Court of Appeals for Putnam County, No. 12-97-16.

Robison, Curphey & O'Connell and *Edwin A. Coy*, for appellee Midwestern Indemnity Company.

Manahan, Pietrykowski, Bamman & Delaney and *Stephen F. Ahern*, for appellant.

{¶ 1} The discretionary appeal in case No. 98-1123 is allowed.

{¶ 2} The certified conflict in case No. 98-1142 is allowed.

{¶ 3} Case Nos. 98-1123 and 98-1142 are consolidated by this court.

{¶ 4} The judgment of the court of appeals is affirmed 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, PFEIFER, COOK and LUNDBERG STRATTON, JJ., concur.
