

SPENCE, APPELLANT, v. NATIONAL MUTUAL INSURANCE COMPANY, APPELLEE.

[Cite as *Spence v. Natl. Mut. Ins. Co.*, 2000-Ohio-361.]

Automobile liability insurance—Uninsured/underinsured motorist coverage—

Court of appeals' judgment vacated and cause remanded to trial court.

(Nos. 99-1347 and 99-1547—Submitted April 11, 2000—Decided May 10, 2000.)

APPEAL from and CERTIFIED by the Court of Appeals for Monroe County, No. 812.

James W. Peters, for appellant.

{¶ 1} The judgment of the court of appeals is vacated, and the cause is remanded to the trial court for further proceedings and consideration, where applicable, of the Supreme Court's decisions in *Wolfe v. Wolfe* (2000), 88 Ohio St.3d 246, 725 N.E.2d 261, and *Moore v. State Auto. Mut. Ins. Co.* (2000), 88 Ohio St.3d 27, 723 N.E.2d 97.

MOYER, C.J., DOUGLAS, RESNICK, F.E. SWEENEY and PFEIFER, JJ., concur.

COOK and LUNDBERG STRATTON, JJ., dissent.

LUNDBERG STRATTON, J., dissenting.

{¶ 2} I respectfully dissent for the reasons set forth in the dissenting opinions in *Wolfe v. Wolfe* (2000), 88 Ohio St.3d 246, 252-255, 725 N.E.2d 261, 267-269, and *Moore v. State Auto. Mut. Ins. Co.* (2000), 88 Ohio St.3d 27, 33-36, 723 N.E.2d 97, 103-105.

COOK, J., concurs in the foregoing dissenting opinion.
