

**DAVIS ET AL., APPELLEES, v. STATE FARM MUTUAL AUTOMOBILE INSURANCE  
COMPANY, APPELLANT.**

**[Cite as *Davis v. State Farm Mut. Auto. Ins. Co.*, 2001-Ohio-173.]**

*Insurance—Motor vehicles—Mandatory offering of uninsured and underinsured  
motorist coverage—Amount available for payment for purpose of setoff—  
Court of appeals' judgment affirmed.*

(No. 00-1998—Submitted May 16, 2001—Decided July 5, 2001.)

APPEAL from the Court of Appeals for Franklin County, No. 99AP-194.

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{¶ 1} The judgment of the court of appeals is affirmed consistent with the  
opinion of the court of appeals.

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

MOYER, C.J., COOK and LUNDBERG STRATTON, JJ., dissent.

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**COOK, J., dissenting.**

{¶ 2} I respectfully dissent based on the reasoning set forth in my dissenting  
opinion in *Littrell v. Wigglesworth* (2001), 91 Ohio St.3d 425, 746 N.Ed.2d 1077,  
and in my opinion concurring in part and dissenting in part in *Clark v. Scarpelli*  
(2001), 91 Ohio St.3d 271, 744 N.E.2d 719.

MOYER, C.J., and LUNDBERG STRATTON, J., concur in the foregoing  
dissenting opinion.

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*Clark, Perdue, Roberts & Scott Co., L.P.A., Glen R. Pritchard and Douglas  
S. Roberts*, for appellees.

*Gallagher, Gams, Pryor, Tallan & Littrell L.L.P., James R. Gallagher and  
Amy Mass*, for appellant.

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