

**HEILMAN, F.K.A. BELLOMY, APPELLANT, v. PROGRESSIVE INSURANCE
COMPANY, APPELLEE, ET AL.**

[Cite as *Heilman v. Progressive Ins. Co.*, 2001-Ohio-175.]

Insurance—Motor vehicles—Mandatory offering of uninsured and underinsured motorist coverage—Amount available for payment for purpose of setoff—Court of appeals’ judgment reversed on authority of Littrell v. Wigglesworth and Clark v. Scarpelli—Cause remanded to trial court for determination of damages.

(No. 00-2271—Submitted May 16, 2001—Decided July 5, 2001.)

APPEAL from the Court of Appeals for Richland County, No. 00-CA-28.

{¶ 1} The judgment of the court of appeals is reversed on the authority of *Littrell v. Wigglesworth* (2001), 91 Ohio St.3d 425, 746 N.E.2d 1077, and *Clark v. Scarpelli* (2001), 91 Ohio St.3d 271, 744 N.E.2d 719, and the cause is remanded to the trial court for further proceedings consistent with our decisions in *Littrell* and *Clark*.

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

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

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.E.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.

SUPREME COURT OF OHIO

Elk & Elk Co., L.P.A., Bruce S. Rutsky and Todd O. Rosenberg, for appellant.

Eugene G. Gillis and Daniel D. Domoziak, for appellee.
