

**CARROLL, APPELLANT, v. NATIONWIDE MUTUAL INSURANCE COMPANY,
APPELLEE.**

[Cite as *Carroll v. Nationwide Mut. Ins. Co.*, 2001-Ohio-176.]

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 and cause remanded to trial court for further proceedings.

(No. 01-83—Submitted May 16, 2001—Decided July 5, 2001.)

APPEAL from the Court of Appeals for Holmes County, No. 99CA016.

{¶ 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.

{¶ 2} 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.

{¶ 3} 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

Scanlon & Gearing Co., L.P.A., Robert A. Royer and Joy D. Malek, for appellant.

Weston, Hurd, Fallon, Paisley & Howley L.L.P., Timothy D. Johnson, Gregory E. O'Brien and Shawn W. Maestle, for appellee.
