

**MIDWESTERN INDEMNITY COMPANY, APPELLEE, v. SAVAGE ET AL.; RICH,
APPELLANT.**

**[Cite as *Midwestern Indemn. Co. v. Savage*, 99 Ohio St.3d 242, 2003-Ohio-
3393.]**

*Insurance — Court of appeals' judgment affirmed on authority of Penn Traffic
Co. v. AIU Ins. Co.*

(Nos. 2002-2058 and 2002-2082 — Submitted April 29, 2003 — Decided July 16,
2003.)

APPEAL from and CERTIFIED by the Court of Appeals for Darke County, No.
02CA1584, 2002-Ohio-5593.

{¶1} The judgment of the court of appeals is affirmed on the authority
of *Penn Traffic Co. v. AIU Ins. Co.*, 99 Ohio St.3d 227, 2003-Ohio-3373, 790
N.E.2d 1199, decided today.

MOYER, C.J., RESNICK, F.E. SWEENEY, PFEIFER, LUNDBERG STRATTON and
O'CONNOR, JJ., concur.

O'DONNELL, J., not participating.

Mazanec, Raskin & Ryder Co., L.P.A., Edward M. Ryder, David K. Frank
and Kristin L. Gatherum, for appellee.

Keating, Muething & Klekamp, P.L.L., William A. Posey and Joseph M.
Callow Jr., for appellant.
