

**DAUGHERTY, APPELLEE AND CROSS-APPELLANT, v. HAMILTON ET AL.;
TRAVELERS PROPERTY CASUALTY COMPANY, APPELLANT AND CROSS-
APPELLEE.**

[Cite as *Daugherty v. Hamilton*, 100 Ohio St.3d 320, 2003-Ohio-6217.]

*Discretionary appeal accepted — Certification of conflict denied — Cross-appeal
dismissed as moot — Insurance — Automobile liability insurance —
Uninsured/underinsured motorist coverage — Employer's commercial
automobile liability policy covers loss sustained by employee only if loss
occurs within the course and scope of employment — Court of appeals'
judgment reversed on the authority of Westfield Ins. Co. v. Galatis.*

(Nos. 2003-1352 and 2003-1497 — Submitted November 3, 2003 — Decided
December 10, 2003.)

APPEAL and CROSS-APPEAL from and CERTIFIED by the Court of Appeals for
Ottawa County, No. OT-02-015, 2003-Ohio-3685 and 2003-Ohio-3984.

{¶1} The discretionary appeal is accepted.

{¶2} The certification of conflict is not accepted.

{¶3} The cross-appeal is dismissed as moot.

{¶4} The judgment of the court of appeals against Travelers Property
Casualty Company is reversed on the authority of *Westfield Ins. Co. v. Galatis*,
100 Ohio St.3d 216, 2003-Ohio-5849, 797 N.E.2d 1256.

MOYER, C.J., LUNDBERG STRATTON, O'CONNOR and O'DONNELL, JJ.,
concur.

RESNICK, F.E. SWEENEY and PFEIFER, JJ., dissent.

SUPREME COURT OF OHIO

Connelly, Jackson & Collier, L.L.P., Anthony E. Turley and Jason A. Hill,
for appellee and cross-appellant.

Davis & Young and Henry A. Hentemann, for appellant and cross-
appellee.
