

HANS, APPELLANT, v. HARTFORD INSURANCE COMPANY, APPELLEE.

**[Cite as *Hans v. Hartford Ins. Co.*,
105 Ohio St.3d 318, 2005-Ohio-1823.]**

Motor vehicles — Uninsured/underinsured-motorist coverage — Court of appeals' judgment reversed on the authority of Gilchrist v. Gonsor, and cause remanded.

(No. 2003-1271 — Submitted March 30, 2005 — Decided May 4, 2005.)

APPEAL from the Court of Appeals for Hamilton County,
No. C-020500, 2003-Ohio-3045.

{¶1} The judgment of the court of appeals is reversed on the authority of *Gilchrist v. Gonsor*, 104 Ohio St.3d 599, 2004-Ohio-7103, 821 N.E.2d 154, and the cause is remanded to the trial court for further proceedings not inconsistent with *Gilchrist v. Gonsor*, *Westfield Ins. Co. v. Galatis*, 100 Ohio St.3d 216, 2003-Ohio-5849, 797 N.E.2d 1256, or *Hopkins v. Dyer*, 104 Ohio St.3d 461, 2004-Ohio-6769, 820 N.E.2d 329.

MOYER, C.J., RESNICK, PFEIFER, O'CONNOR and O'DONNELL, JJ., concur.

LUNDBERG STRATTON and LANZINGER, JJ., dissent.

LUNDBERG STRATTON, J., dissenting.

{¶2} For reasons set forth in my dissenting opinion in *Gilchrist v. Gonsor*, 104 Ohio St.3d 599, 2004-Ohio-7103, 821 N.E.2d 154, ¶ 14-23, I respectfully dissent from the majority's decision to reverse this matter.

{¶3} However, given that the majority is reversing the judgment of the court of appeals, it is appropriate to remand the cause to the trial court for additional proceedings not inconsistent with *Westfield Ins. v. Galatis*, 100 Ohio St.3d 216, 2003-Ohio-5849, 797

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N.E.2d 1256, and *Hopkins v. Dyer*, 104 Ohio St.3d 461, 2004-Ohio-6769, 820 N.E.2d 329.

LANZINGER, J., concurs in the foregoing dissenting opinion.

Butkovich, Schimpf, Schimpf & Ginocchio Co., L.P.A., Laura I. Murphy,
and Julie Schimpf Kehres, for appellant.

Thompson Hine, L.L.P., Jane E. Garfinkel, and John T. Sunderland, for
appellee.
