

OHIO CASE SUMMARIES

A SERVICE OF

GREEN & GREEN, LAWYERS
A Legal Professional Association

Ohio case summaries will be provided on a continuing basis every Wednesday and Friday of each week (excluding holidays). Summaries include brief descriptions of cases decided in the past week by the Ohio Supreme Court and lower appellate courts on issues related to insurance law. To discontinue receiving this service, please call Jared Wagner at 937-224-3333 or email Jared at jawagner@green-law.com.

Court of Appeals: Eighth District

Case Name: *McDonald v. Motorists Mut. Ins. Co.*, 2006-Ohio-1843

Decided: April 13, 2006 (posted April 13, 2006)

Issue(s): Uninsured Motorist Coverage/Exclusions/Definition of Motor Vehicle

Summary of Opinion: Plaintiff was injured while riding a bicycle during the course and scope of his employment. He brought suit for coverage under his employer's Underinsured Motorist policy, which excluded from coverage any bodily injury sustained while an insured was occupying a vehicle other than a "covered auto" under the policy. The court admitted that plaintiff's bicycle was a vehicle other than a "covered auto" under the terms of the policy; however, applying R.C. 3937.18 as amended by H.B. 261, the Eight District found that this version of R.C. 3937.18 allows a "covered auto" exclusion only if it denies coverage to an insured operating or occupying a "motor vehicle." The court went on to find that the definition of "motor vehicle" in R.C. 4501.01(B) did not include a bicycle. Accordingly, the court found that the exclusion violated R.C. 3937.18 and was invalid.

GREEN & GREEN, Lawyers represents select insurance clients in all aspects of insurance litigation, from complex coverage questions to more routine torts. We will see to it that your file will be handled only by a competent, seasoned attorney who will work diligently to obtain the best result possible.

As a service to our clients, we provide weekly summaries of the most recent Ohio Supreme Court and appellate court decisions on cases of interest to our insurance clients. No opinion as to the legal import of the cases summarized is intended. Any questions regarding the information contained in this transmission should be directed at any time to one of the attorneys of the firm.