

## OHIO CASE SUMMARIES

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**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](mailto:jawagner@green-law.com).**

Court of Appeals: Tenth District

Case Name: Hale v. Spitzer Dodge, Inc.,, 2006-Ohio-3309

Decided: June 29, 2006 (posted June 29, 2006)

Issue(s): Respondeat Superior/Car Dealership/Demonstrator Vehicle

Summary of Opinion: Plaintiff was involved in a car accident with Defendant. At the time of the accident, Defendant was driving to the dry cleaners on his day off. However, he was driving a demonstrator vehicle marked with the dealership's insignias and price stickers. Defendant testified that the purpose of the demonstrator vehicle was to advertise to the public both the dealership and the specific vehicles used as demonstrators. Defendant also testified that the use of a demonstrator vehicle could lead to unsolicited sales; even on his day off. Accordingly, Plaintiff filed suit against Defendant's employer, the dealership, alleging that Defendant was engaged in the course and scope of his employment with the dealership at the time of the accident by virtue of his use of a demonstrator vehicle. The Tenth District rejected this claim, holding that even though the act of driving a demonstrator vehicle promotes the dealership and could lead to the initiation of sales, there was no evidence in this case that Defendant was even remotely engaged in any employment related activities at the time of the accident. To hold the dealership liable in this case would result in dealerships being held liable for every employee who drives a demonstrator vehicle at all times.

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