

## 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: Sixth District

Case Name: Musser v. Luckey Farmers, Inc., 2006-Ohio-3392

Decided: June 30, 2006 (posted June 30, 2006)

Issue(s): Uninsured Motorist Coverage/Covered Vehicle/Scope of Employment

Summary of Opinion: Plaintiff was injured in a car accident caused by an uninsured driver while acting within the course and scope of his employment but while operating a personal vehicle. The only named insured under his employer's insurance policy was his employer. Thus, the Court found that Plaintiff could arguably qualify as an insured under the policy pursuant to *Scott-Pontzer v. Liberty Mut. Fire Ins. Co.* (1999), 85 Ohio St.3d 660 and *Westfield Ins. Co. v Galatis* (2003), 100 Ohio St.3d 216. However, the policy in this case had a provision that specifically excluded coverage for any bodily injury that occurred while operating a non-covered auto. Accordingly, the court found that Plaintiff did not qualify as an insured because Plaintiff's personal vehicle was not listed as a covered auto under the terms of the policy, notwithstanding the fact that Plaintiff was engaged in the course and scope of his employment at the time of the accident.

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