

## 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: Fifth District

Case Name: *Hutchings v. Childress*, 2006-Ohio-3925

Decided: July 27, 2006 (posted August 2, 2006)

Issue(s): Loss of Consortium

Summary of Opinion: The victim was injured in an automobile accident caused by Defendant's negligence. Prior to the accident, the victim had worked for the same company as her husband and was also in charge of running the entire household. Due to the nature of the victim's injuries, the husband was forced to take over the wife's household duties. He also began working from home and took time off of work to care for his wife. Eventually, the Husband brought suit against the Defendant, seeking damages for loss of consortium. At the trial on this issue, the Husband introduced evidence that the change in lifestyle occasioned by the accident had resulted in loss of income; however, the trial court refused to instruct the jury that it could consider the Husband's lost of income when determining his loss of consortium damages. On appeal, the Fifth District affirmed the trial court's decision on the basis that the Husband's lost wages were not damages under the theory of loss of consortium and the Husband had failed to raise a claim for personal injuries of his own.

The court also distinguished a case where the Tenth District had found that a wife was entitled to loss of consortium damages when she was forced to hire someone to replace her husband in connection with a family operated business. The Fifth District held the case are distinguishable because neither the Husband nor the wife herein worked at a family operated business and the Husband was seeking to collect his lost income rather than the cost of replacing the wife's labor.

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