

## 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 Travis Vieux at 937-224-3333 or email Travis at [tjvieux@green-law.com](mailto:tjvieux@green-law.com).**

Court of Appeals: Sixth District, Huron County

Case Name: Wertz v. Wertz  
(2007-Ohio-4605)

Decided: September 7, 2007 (Posted September 7, 2007)

Issue: Enforcement of Intra-family exclusion of uninsured motorist policy

Summary of Opinion: The Sixth District, following the Ohio Supreme Court's recent decision in *Snyder v. American Family Ins. Co.*, upheld an intra-family exclusion for UM coverage.

Plaintiff Helen Wertz was injured as a passenger in a motor vehicle owned and operated by her husband Ronald. Ronald and the vehicle were insured under a policy with American Standard Insurance. The policy included uninsured motorist coverage with an exclusion for a vehicle "owned by or furnished or available for the regular use of you or any resident of your household."

Plaintiff later dismissed her claim against her husband and proceeded only against American Standard on a theory that the intra-family exclusion is against Ohio public policy and not enforceable under R.C. 3937.18. The trial court agreed and entered partial summary judgment. American Standard appealed.

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Relying primarily on *Snyder v. American Family Ins. Co.* (2007-Ohio-4004, summarized in August 22, 2007 case summaries) and on Fourth District case *Howard v. Howard* (2007-Ohio-3940), the Sixth District reversed the trial court. The Sixth District found that *Snyder* allowed “considerable flexibility in devising specific restrictions on any offered uninsured- or underinsured - motorist coverage.

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