

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 Travis Vieux at 937-224-3333 or email Travis at tjvieux@green-law.com.

Court of Appeals: Eighth District, Cuyahoga County

Case Name: Kudla v. Wendt
(2007-Ohio-6637)

Decided: December 13, 2007 (Posted December 13, 2007)

Issue: Uninsured/Underinsured Motorist Coverage

Summary of Opinion: The Eighth District found that for purposes of UM/UIM coverage that loss of consortium is not “bodily injury.”

Thomas Kudla was killed in a traffic accident while a passenger in his daughter Jean’s car. After settling against the tortfeasor for policy limits, Jean and Mary (Thomas’ wife) and Sharon Brady (Thomas’ granddaughter) sued State Farm for loss of consortium under UIM provisions of their insurance policies. Jean Kudla and her parents were covered under one policy, while Brady, who did not reside with the Kudlas, was covered under her own policy with State Farm. State Farm denied coverage. The trial court found in favor of State Farm and the plaintiffs appealed.

The UIM provisions of both policies were identical. Both provided coverage for “bodily injury an insured is legally entitled to collect from the owner or driver of the uninsured motor vehicle. The bodily injury must be sustained by an insured and caused by an

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.

accident arising out of the operation, maintenance or use of an uninsured motor vehicle.”

The Eighth District found that loss of consortium is not “bodily injury” and is not covered under the policies.

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.