

IN THE COURT OF APPEALS OF OHIO
SIXTH APPELLATE DISTRICT
HURON COUNTY

Gregory A. Graybeal

Court of Appeals No. H-03-015

Appellant

Trial Court No. CVH-20020351

v.

Cincinnati Insurance Company

DECISION AND JUDGMENT ENTRY

Appellee

Decided: December 5, 2003

* * * * *

Stephen G. Meckler and Frank C. Giamboi, for appellant.

Kimberly A. Brennan, for appellee.

* * * * *

LANZINGER, J.

{¶1} This accelerated appeal comes to us from a summary judgment issued by the Huron County Court of Common Pleas, in a case involving uninsured/underinsured (“UM/UIIM”) motorist coverage pursuant to *Scott-Pontzer v. Liberty Fire Ins. Co.* (1999),

{¶2} 85 Ohio St.3d 660. Because we conclude that summary judgment is proper in this case, we affirm.

{¶3} Appellant, Gregory A. Graybeal, filed UM/UIIM claims pursuant to *Scott-Pontzer*, supra, against appellee, Cincinnati Insurance Company (“CIC”), his employer’s insurer. It is undisputed that Graybeal was not acting within the scope of his employer’s business when the accident related to his UM/UIIM claims occurred.

{¶4} Pursuant to *Westfield Ins. Co. v. Galatis*, 100 Ohio St.3d 216, 2003-Ohio-5849, we conclude that Graybeal was not an “insured” under the CIC policy, negating any coverage for his UM/UIM claims. Therefore, since no material issues of fact remain in dispute and CIC is entitled to judgment as a matter of law, summary judgment was properly granted in favor of CIC.

{¶5} Graybeal’s sole assignment of error is not well-taken.

{¶6} The judgment of the Huron County Court of Common Pleas is affirmed. Court costs of this appeal are assessed to appellant.

JUDGMENT AFFIRMED.

Mark L. Pietrykowski, J.

JUDGE

Judith Ann Lanzinger, J.

JUDGE

Arlene Singer, J.
CONCUR.

JUDGE