

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

David Short, et al.

Court of Appeals No. WM-03-005

Appellants

Trial Court No. 02-CI-59

v.

Central Insurance Cos.

DECISION AND JUDGMENT ENTRY

Appellee

Decided: December 5, 2003

* * * * *

Michael A. Shaffer, for appellant.

W. Charles Curley, for appellee.

* * * * *

SINGER, J.

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

{¶2} (1999), 85 Ohio St.3d 660. Because we conclude that summary judgment is proper in this case, we affirm.

{¶3} Appellant, David Short, filed UM/UIM claims pursuant to *Scott-Pontzer*, supra, against appellee, Central Insurance Companies (“Central”) his employer’s insurer.

The trial court granted summary judgment in favor of the insurance provider. Short appeals from that judgment.

{¶4} It is undisputed that Short, employed by JBM Tool and Die Company (“JBM”), was not acting within the scope of his employment at the time of the accident related to his UM/UIM claims. Pursuant to *Westfield Ins. Co. v. Galatis*, 100 Ohio St.3d 216, 2003-Ohio-5849, we conclude that Short was not an “insured” under his employer’s insurance policies, negating any coverage for his UM/UIM claims from Central. Therefore, since no material issues of fact remain in dispute and Central is entitled to judgment as a matter of law, summary judgment was properly granted in favor of Central.

{¶5} Short’s sole assignments of error is not well-taken.

{¶6} The judgment of the Williams 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