

OPINIONS OF THE SUPREME COURT OF OHIO

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Krejci, Exr., v. Prudential Property and Casualty Insurance Company.

[Cite as Krejci v. Prudential Prop. & Cas. Ins. Co. (1993), Ohio St. 3d .]

Motor vehicles -- Liability insurance -- Declaratory judgment action by injured person against tortfeasor's insurer -- Judgment against insured not a prerequisite -- R.C. 3929.06, construed.

(No. 92-465 -- Submitted January 13, 1993 -- Decided February 24, 1993.)

On Order from the United States District Court for the Northern District of Ohio, Eastern Division, Certifying a Question of State Law, No. 1:91CV1545.

Porter, Wright, Morris & Arthur, Richard M. Markus and Ralph Streza, for petitioner.

Quandt, Giffels, Buck & Rodgers Co., L.P.A., Walter R. Matchinga and Jeffrey A. Schenk, for respondent.

Martin W. Williams and John K. Fitch, urging a negative answer to the certified question for amicus curiae, Ohio Academy of Trial Lawyers.

The United States District Court for the Northern District of Ohio, Eastern Division, has certified the following question to us:

"Does Ohio Revised Code {3929.06 preclude an injured person from bringing any action, including a declaratory judgment action, against the tortfeasor's insurer unless the injured person has first obtained a judgment against the insured?"

The certified question is answered in the negative.

Moyer, C.J., A.W. Sweeney, Douglas, Wright, Resnick, F.E. Sweeney and Pfeifer, JJ., concur.