

BROWN, ADMR., APPELLANT, v. WALLBROWN; MOTORISTS MUTUAL INSURANCE
COMPANY, APPELLEE.

[Cite as *Brown v. Wallbrown* (1998), ___ Ohio St.3d ____.]

Motor vehicles — Insurance — Scope of coverage of an underinsured motorist claim — Statutory law in effect at time of entering into contract for automobile liability insurance controls the rights and duties of the contracting parties.

(No. 97-2212 — Submitted June 24, 1998 — Decided July 22, 1998.)

APPEAL from the Court of Appeals for Franklin County, No. 96APE12-1633.

Leeseberg, Maloon, Schulman & Valentine, Anne M. Valentine, Geoffrey M. Wardle and Gerald S. Leeseberg, for appellant.

Keener, Doucher, Curley & Patterson, L.P.A., and W. Charles Curley, for appellee.

The judgment of the court of appeals is reversed on the authority of *Ross v. Farmers Ins. Group of Cos.* (1998), 82 Ohio St.3d 281, ___ N.E.2d ____.

MOYER, C.J., DOUGLAS, RESNICK, F.E. SWEENEY and PFEIFER, JJ., concur.

COOK and LUNDBERG STRATTON, JJ., dissent.

Cook, J., dissenting. For the reasons stated in my dissenting opinion to *Ross v. Farmers Ins. Group of Cos.* (1998), 82 Ohio St.3d 281, 291, ___ N.E.2d ___, ___, I respectfully dissent.

LUNDBERG STRATTON, J., concurs in the foregoing dissenting opinion.