

[Cite as *Washington v. Citizens Sec. Mut. Ins. Co.*, 92 Ohio St.3d 211, 2001-Ohio-172.]

**WASHINGTON, GDN., ET AL., APPELLANTS, v. CITIZENS SECURITY MUTUAL
INSURANCE COMPANY, APPELLEE.**

[Cite as *Washington v. Citizens Sec. Mut. Ins. Co.* (2001), 92 Ohio St.3d 211.]

*Insurance — Motor vehicles — Mandatory offering of uninsured and underinsured motorist coverage — Amount available for payment for purpose of setoff — Court of appeals' judgment affirmed on authority of *Littrell v. Wigglesworth* and *Clark v. Scarpelli*.*

(No. 00-1951 — Submitted May 16, 2001 — Decided July 5, 2001.)

APPEAL from the Court of Appeals for Cuyahoga County, No. 76082.

The judgment of the court of appeals is affirmed on the authority of *Littrell v. Wigglesworth* (2001), 91 Ohio St.3d 425, 746 N.E.2d 1077, and *Clark v. Scarpelli* (2001), 91 Ohio St.3d 271, 744 N.E.2d 719.

DOUGLAS, RESNICK, F.E. SWEENEY and PFEIFER, JJ., concur.

MOYER, C.J., COOK, and LUNDBERG STRATTON, JJ., concur in judgment.

COOK, J., concurring. I concur in judgment on Propositions of Law Nos. I and II based on the reasoning set forth in my dissenting opinion in *Littrell v. Wigglesworth* (2001), 91 Ohio St.3d 425, 746 N.E.2d 1077, and in my opinion concurring in part and dissenting in part in *Clark v. Scarpelli* (2001), 91 Ohio St.3d 271, 744 N.E.2d 719. I would dismiss Proposition of Law III as having been improvidently allowed.

MOYER, C.J., and LUNDBERG STRATTON, J., concur in the foregoing opinion.

Cochran & Naso and *Carmen Naso*, for appellant Phyllis Washington.

SUPREME COURT OF OHIO

Robert P. Rutter, for appellant Danielle Washington.

Law Office of Terrence J. Kenneally & Associates, Terrence J. Kenneally
and *John M. Bostwick, Jr.*, for appellee.
