

**ALLEN ET AL., APPELLANTS AND CROSS-APPELLEES, v. JOHNSON ET AL.,
APPELLEES; INDIANA INSURANCE COMPANY ET AL., APPELLEES AND CROSS-
APPELLANTS.**

[Cite as *Allen v. Johnson*, 100 Ohio St.3d 276, 2003-Ohio-5889.]

Motor vehicles — Automobile liability insurance — Uninsured/underinsured motorist coverage — Employer’s commercial automobile liability policy covers loss sustained by employee only if loss occurs within the course and scope of employment — Scott-Pontzer v. Liberty Mut. Fire Ins. Co., limited — Designation of “family members” of the named insured as other insureds does not extend insurance to a family member of an employee corporation — Court of appeals’ judgment affirmed in part and reversed in part on authority of Westfield Ins. Co. v. Galatis — Appellants’ Proposition of Law No. 3 dismissed as improvidently allowed.

(Nos. 2002-1126 and 2002-1433 — Submitted May 13, 2003 — Decided November 5, 2003.)

APPEAL and CROSS-APPEAL from the Court of Appeals for Wayne County, Nos. 01CA0046 and 01CA0047, 2002-Ohio-3404.

{¶1} The judgment of the court of appeals is affirmed as to National Union Insurance Company and Federal Insurance Company on the authority of *Westfield Ins. Co. v. Galatis*, 100 Ohio St.3d 216, 2003-Ohio-5849, 797 N.E.2d 1256.

{¶2} The judgment of the court of appeals is reversed, and the judgment of the trial court in favor of Consolidated Insurance Company and Indiana Insurance Company is reinstated on the authority of *Westfield Ins. Co.*, supra.

SUPREME COURT OF OHIO

{¶3} Appellants' Proposition of Law No. 3 is dismissed as improvidently allowed.

MOYER, C.J., SUNDERMANN, LUNDBERG STRATTON and O'CONNOR, JJ., concur.

RESNICK, F.E. SWEENEY and PFEIFER, JJ., dissent.

J. HOWARD SUNDERMANN JR., J., of the First Appellate District, sitting for COOK, J.

Grisi & Riegler and Charles E. Grisi, for appellants and cross-appellees.

Weston, Hurd, Fallon, Paisley & Howley, L.L.P., Daniel A. Richards, John G. Farnan and Edward T. Sylvester, for appellees and cross-appellants Indiana Insurance Co. and Consolidated Insurance Co.

Gallagher, Sharp, Fulton & Norman, D. John Travis and Timothy J. Fitzgerald, for appellee and cross-appellant Federal Insurance Co.

Janik & Dorman L.L.P., Steven G. Janik and Matthew J. Grimm, for appellee National Union Fire Insurance Co.

T.J. Snyder; Allen Schulman & Associates Co., L.P.A., Allen Schulman and Christopher Van Blargan, for amicus curiae Ohio Academy of Trial Lawyers.
