

**BURKHART ET AL., APPELLEES, v. CNA INSURANCE COMPANY, D.B.A.  
CONTINENTAL INSURANCE COMPANY, APPELLANT.**

[Cite as *Burkhart v. CNA Ins. Co.*, 100 Ohio St.3d 359, 2003-Ohio-6604.]

*Insurance — 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 — Court of appeals’ judgment reversed on the authority of Westfield Ins. Co. v. Galatis.*

(No. 2002-0579 — Submitted April 15, 2003 — Decided December 31, 2003.)

APPEAL from the Court of Appeals for Stark County, No. 2001CA00265, 2002-Ohio-903.

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{¶1} The judgment of the court of appeals is reversed on the authority of *Westfield Ins. Co. v. Galatis*, 100 Ohio St.3d 216, 2003-Ohio-5849, 797 N.E.2d 1256.

MOYER, C.J., WINKLER, LUNDBERG STRATTON and O’CONNOR, JJ., concur.

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

RALPH WINKLER, J., of the First Appellate District, sitting for COOK, J.

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John S. Coury and Allen Schulman Jr., for appellees.

Tucker, Ellis & West, L.L.P., and Irene C. Keyse-Walker, for appellant.

Elk & Elk Co., L.P.A., and Todd O. Rosenberg, urging affirmance for amicus curiae Ohio Academy of Trial Lawyers.

Boyk & Crossmock, L.L.C., and Steven L. Crossmock, urging affirmance for amicus curiae Toledo Area Trial Lawyers Association.

SUPREME COURT OF OHIO

Brickler & Eckler, L.L.P., Kurtis A. Tunnell, Anne Marie Sferra and  
Robert Katz, urging reversal for amicus curiae American Insurance Institute.

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