

**TUCKER ET AL., APPELLEES, v. WILSON ET AL.; LIBERTY MUTUAL INSURANCE
COMPANY, APPELLANT.**

[Cite as *Tucker v. Wilson*, 100 Ohio St.3d 360, 2003-Ohio-6742.]

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 authority of Westfield Ins. Co. v. Galatis.

(No. 2002-1956 — Submitted October 22, 2003, at the Clinton County Session —
Decided December 31, 2003.)

APPEAL from the Court of Appeals for Clermont County, No. CA2002-01-002,
2002-Ohio-5142.

{¶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., LUNDBERG STRATTON, O’CONNOR and O’DONNELL, JJ.,
concur.

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

PFEIFER, J., dissenting.

{¶2} Certainly, this court’s recent decision in *Westfield Ins. Co. v. Galatis*, 100 Ohio St.3d 216, 2003-Ohio-5849, 797 N.E.2d 1256, was momentous, for all sorts of reasons. However, it is not a legal Rosetta Stone, unlocking the mysteries and resolving all of the issues that exist in the area of insurance law. The within case presented us the opportunity to address the issue of so-called

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fronting policies, insurance policies issued to corporations where the deductible is equal to the amount of coverage. We leave unanswered today the important questions regarding the rights and obligations of the parties to such contracts.

RESNICK and F.E. SWEENEY, JJ., concur in the foregoing dissenting opinion.

Peeler, McGary & Zopff Co., L.P.A., Robert W. Peeler and Karen S. Donnelly, for appellees.

Reminger & Reminger Co., L.P.A., Robert W. Hojnoski and Clifford C. Masch, for appellant.

Connelly, Jackson & Collier, L.L.P., and Anthony E. Turley, urging affirmance for amicus curiae Ohio Academy of Trial Lawyers.

Smith, Phillips & Associates and Janet L. Phillips, urging affirmance for amicus curiae Franklin County Trial Lawyers Association.

Bricker & Eckler, L.L.P., Kurtis A. Tunnell, Anne Marie Sferra and Vladimir P. Belo, urging reversal for amici curiae American Insurance Association, Ohio Chamber of Commerce, Ohio Manufacturers Association, Ohio Chapter of the National Federation of Independent Business, Ohio Chemistry Technology Council, and Ohio Hospital Association.

Davis & Young, Martin J. Murphy and Richard M. Garner, urging reversal for amicus curiae Parker Hannifin Corporation.

Glowacki & Associates Co., L.P.A., James L. Glowacki, James J. Imbrigiotta and Christopher M. Corrigan, urging reversal for amicus curiae Roadway Express Corporation.

Janik & Dorman, L.L.P., Steven G. Janik and Matthew J. Grimm, urging reversal for amici curiae Member Companies of the American International Group, Inc.

Zeiger & Carpenter, L.L.P., and Daniel R. Mordarski, urging reversal for amicus curiae General Motors Corporation.

Dinsmore & Shohl, L.L.P., Alan H. Abes and Amy M. Scholl, urging reversal for amicus curiae Procter & Gamble Company.

Reminger & Reminger Co., L.P.A., D. Patrick Kasson, Amy S. Thomas and Paul-Michael La Fayette, urging reversal for amici curiae Speedway Superamerica, L.L.C., Marathon Ashland Petroleum, L.L.C., and Marathon Oil Corporation.