

AKINS, ADMR., APPELLEE, v. HARCO INSURANCE COMPANY ET AL.;

OLD REPUBLIC INSURANCE COMPANY ET AL., APPELLANTS.

[Cite as *Akins v. Harco Ins. Co.*, 106 Ohio St.3d 41, 2005-Ohio-3557.]

Uninsured/underinsured motorist coverage — Court of appeals' judgment reversed and cause remanded for application of Hollon v. Clary.

(No. 2004-1615 — Submitted December 14, 2004 — Decided July 27, 2005.)

APPEAL from the Court of Appeals for Lucas County,

No. L-03-1279, 158 Ohio App.3d 292, 2004-Ohio-4267, 815 N.E.2d 686.

{¶ 1} The discretionary appeal of Old Republic Insurance Company is accepted on Proposition of Law No. I.

{¶ 2} The discretionary appeal of Owners Insurance Company is not accepted.

{¶ 3} The judgment of the court of appeals is reversed insofar as it holds that extrinsic evidence may not be used to establish a valid offer of uninsured/underinsured motorist coverage, and the cause is remanded to the court of appeals for application of *Hollon v. Clary*, 104 Ohio St.3d 526, 2004-Ohio-6772, 820 N.E.2d 881.

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

RESNICK and PFEIFER, JJ., dissent.

LANZINGER, J., not participating.

Miraldi & Barrett Co., L.P.A., and David P. Miraldi, for appellee.

Reminger & Reminger Co., L.P.A., and Erin Stottlemyer Gold, for appellant Old Republic Insurance Company.

SUPREME COURT OF OHIO

Manahan, Pietrykowski, DeLaney & Wasielewski and Cormac B.
DeLaney, for appellant Owners Insurance Company.
