



LEXSEE 106 OHIO ST. 3D 41

**AKINS, ADMR., APPELLEE, v. HARCO INSURANCE COMPANY ET AL.; OLD
REPUBLIC INSURANCE COMPANY ET AL., APPELLANTS.**

No. 2004-1615

SUPREME COURT OF OHIO

106 Ohio St. 3d 41; 2005 Ohio 3557; 830 N.E.2d 1161; 2005 Ohio LEXIS 1609

**December 14, 2004, Submitted
July 27, 2005, Decided**

SUBSEQUENT HISTORY: On remand at, Different results reached on reconsideration by *Akins v. Harco Ins. Co.*, 2005 Ohio 4756, 2005 Ohio App. LEXIS 4245 (Ohio Ct. App., Lucas County, Sept. 12, 2005)

PRIOR HISTORY: 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. *Akins v. Harco Ins. Co.*, 158 Ohio App. 3d 292, 2004 Ohio 4267, 815 N.E.2d 686, 2004 Ohio App. LEXIS 3868 (Ohio Ct. App., Lucas County, 2004)

HEADNOTES

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

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

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

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

JUDGES: MOYER, C.J., LUNDBERG STRATTON, O'CONNOR and O'DONNELL, JJ., concur. RESNICK and PFEIFER, JJ., dissent. LANZINGER, J., not participating.

OPINION

[*42] [***1161] [**P1] The discretionary appeal of Old Republic Insurance Company is accepted on Proposition of Law No. I.

[**P2] The discretionary appeal of Owners Insurance Company is not accepted.

[**P3] 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.