

Bond Case Briefs

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INSURANCE - OHIO

Marusa v. Erie Ins. Co.

Supreme Court of Ohio - May 21, 2013 - N.E.2d - 2013 - Ohio- 1957

Insureds brought action against automobile insurer after insurer denied claim for uninsured motorist (UM) coverage arising out of collision with police officer.

The Supreme Court of Ohio held that insureds were not precluded from recovering UM benefits.

Automobile insurance policy, providing that an uninsured motor vehicle included a motor vehicle whose owner or operator had political subdivision tort immunity and providing that insurer would pay damages that insured was "legally entitled to recover," did not preclude insured from recovering uninsured motorist (UM) benefits arising from collision with city police officer who was immune from liability. The policy did not rely on statutory definition of "uninsured motor vehicle," but instead unambiguously provided UM coverage when an insured was injured by an owner or operator who had tort immunity, and policy did not explain potential limitation of UM coverage resulting from use of phrase "legally entitled to recover."