

Fred L. Lager, Administrator of the Estate
of Sara E. Lager, deceased

Case No. 2007-1762

E N T R Y

v.

Ryan Miller-Gonzalez et al. and
Nationwide Mutual Fire Insurance Co.

This cause is pending before the Court on the certification of a conflict by the Court of Appeals for Lucas County. On review of the order certifying a conflict,

It is determined that a conflict exists. The parties are to brief the issue stated at page 4 of the court of appeals' Decision and Judgment Entry filed September 5, 2007, as follows:

“Whether, in a claim for statutory wrongful death damages against a claimant's underinsured motorists coverage, ambiguity exists in the insurance contract when the policy grants coverage for damages sustained ‘because of bodily injury’, yet under an other-owned auto exclusion bars coverage for damages by the less inclusive ‘for bodily injury.’ ”

It is ordered by the Court, sua sponte, that this cause is consolidated with Supreme Court Case No. 2007-1760, *Lager v. Miller-Gonzalez*.

It is further ordered by the Court that the Clerk shall issue an order for the transmittal of the record from the Court of Appeals for Lucas County.

It is further ordered that briefing in Case Nos. 2007-1762 and 2007-1760 shall be consolidated. The parties shall file two originals of each of the briefs permitted under S.Ct.Prac.R. VI and include both case numbers on the cover page of the briefs. The parties shall otherwise comply with the requirements of S.Ct.Prac.R. VI.

(Lucas County Court of Appeals; No. L071022)

THOMAS J. MOYER
Chief Justice