

# The Supreme Court of Ohio

FILED

DEC -2 2015

CLERK OF COURT  
SUPREME COURT OF OHIO

Scott L. Smith et al.

Case No. 2015-1419

v.

ENTRY

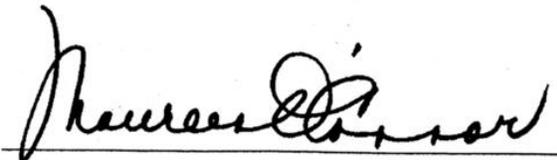
Erie Insurance Company

This cause is pending before the court on the certification of a conflict by the Court of Appeals for Ottawa 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 16 of the court of appeals' decision and judgment entry filed July 31, 2015, as follows:

“The subject of the conflict is the uninsured motorist provision in an auto insurance policy, which states that the testimony of an insured seeking recovery of uninsured motorist benefits does not constitute independent corroborative evidence as required by the policy, unless the testimony is supported by additional evidence. The question to be resolved is whether the policy language is ambiguous leading to an interpretation in favor of the insured that any evidence apart from the insured's testimony, either derived from the insured's testimony or not, is sufficient to constitute “additional evidence” under the policy, or whether the policy is unambiguous and the “additional evidence” must be independent of, and not derived from, the insured's testimony”

It is ordered by the court that the clerk shall issue an order for the transmittal of the record from the Court of Appeals for Ottawa County.

(Ottawa County Court of Appeals; No. OT-15-005)



Maureen O'Connor  
Chief Justice