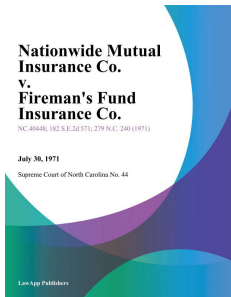


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## NATIONWIDE MUTUAL INSURANCE CO V FIREMAN S FUND INSURANCE CO EBOOKS 2019



Author: Supreme Court of North Carolina No. 44

Realese Date: Expected @@expectedReleaseDate@@

The verdict of the jury, which established that at the time of the accident on 25 October 1966 Terry was operating the 1961 Oldsmobile within the scope of his permission from Tux, is not challenged by any assignment of error. Therefore, plaintiffs' policy covered Terry's operation of that vehicle unless the assigned risk policy which Fireman's issued to Carson insuring the 1965 Oldsmobile covered Terry's operation of the 1961 Oldsmobile is as a substitute vehicle for the 1965 Oldsmobile. If it did, Nationwide's coverage is excluded; otherwise, not. Fireman's concedes that the issue submitted ""was the only one raised and presented under the pleadings and evidence, and about which there was contraverting or conflicting testimony.""

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