

FILED: December 13, 2006

IN THE COURT OF APPEALS OF THE STATE OF OREGON

DENNIS W. PHILLIPS,

Appellant,

v.

SAFECO INSURANCE COMPANY OF OREGON,

Respondent.

0504-03584; A130265

Appeal from Circuit Court, Multnomah County.

Jean K. Maurer, Judge.

Argued and submitted October 13, 2006.

Randall J. Wolfe argued the cause for appellant. With him on the briefs was Randall J. Wolfe, P.C.

Barbara L. Johnston argued the cause and filed the briefs for respondent.

Thomas M. Christ and Cosgrave Vergeer Kester LLP filed the brief *amicus curiae* for Farmers Insurance Company.

Before Edmonds, Presiding Judge, and Armstrong and Wollheim,* Judges.

PER CURIAM

Affirmed. *Mid-Century Ins. Co. v. Perkins*, ___ Or App ___, ___ P3d ___ (Dec 13, 2006).

*Wollheim, J., vice Richardson, S. J.

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