

**No. 31035 – *Frances A. Horton Joslin , Administratrix of the Estate of Albert H. Horton, deceased, Plaintiff Below, Appellee and Catherine Wilkinson, Administratrix of the Estate of Mary Horton, deceased, Intervening Plaintiff Below, Appellee v. Thomas Mitchell and Yurway Transportation Services, Inc., Defendant Below, Appellees and State Farm Mutual Automobile Insurance Company, Appellant***

**FILED**

**July 3, 2003**

**RORY L. PERRY II, CLERK  
SUPREME COURT OF APPEALS  
OF WEST VIRGINIA**

McGraw, J., dissenting:

I dissent from the majority’s opinion because the appellees did not agree to forego purchasing stackable automobile insurance coverage in exchange for a multi-car “discount,” which saved them less than \$5.00 while denying them some \$400,000.00 in additional underinsured motorist coverage. To characterize this unilaterally-imposed provision as “bargained for” rather than “unconscionable” amounts to a legal fiction to which I cannot subscribe. For these reasons, I respectfully dissent.