

**United States Court of Appeals  
FOR THE EIGHTH CIRCUIT**

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No. 00-2109

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Debbie S. Yarbrough,

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Appellant,

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David K. Yarbrough,

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Appeal from the United States

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District Court for the

Plaintiff,

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Eastern District of Missouri.

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v.

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[UNPUBLISHED]

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American States Preferred Insurance  
Company,

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Appellee.

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Submitted: February 16, 2001

Filed: February 27, 2001

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Before BOWMAN, HEANEY, and LOKEN, Circuit Judges.

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PER CURIAM.

Debbie S. Yarbrough, seeking additional coverage for bodily injuries she sustained in an automobile accident, contends that she, like her husband, David Yarbrough, is insured under the underinsured motorist coverage of a commercial policy issued by American States Preferred Insurance Company insuring "David Yarbrough dba Yarbrough Company." The Underinsured Motorist Coverage endorsement of this

policy excludes underinsured motorist coverage for "bodily injury sustained by any person while occupying or struck by any vehicle owned by you or any family member that is not a covered auto." When the accident in which she suffered bodily injuries occurred, Mrs. Yarbrough was occupying a 1993 Dodge Intrepid. This auto was not a covered auto under the commercial policy. The endorsement also provides an exception to the exclusion: "However, this exclusion does not apply to you." The policy defines "you" as the named insured. The District Court<sup>1</sup> determined that the policy is unambiguous and that Mrs. Yarbrough was not a named insured on the policy at the time of the accident. Accordingly, the court concluded that coverage of her claim for bodily injury is not provided by the exception to the bodily-injury exclusion, and granted summary judgment in favor of American States. Mrs. Yarbrough appeals.

For reversal, Mrs. Yarbrough makes several arguments, all attacking the District Court's conclusion that she was not a named insured on the policy in question. Having reviewed the case and considered all of her arguments, we are satisfied that the District Court correctly entered summary judgment for American States. No error of fact or law appears, and an opinion by this Court would add nothing of substance to the well-reasoned opinion of the District Court.

Based on the reasoning of the District Court, with which we entirely agree, we affirm. See 8th Cir. R. 47B.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.

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<sup>1</sup>The Honorable Rodney W. Sippel, United States District Judge for the Eastern District of Missouri.