

MARTIN & SEIBERT, L.C.

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October 1, 2013

Rory L. Perry, II, Clerk
Supreme Court of Appeals of West Virginia
1900 Kanawha Boulevard, East
Room E-317 - State Capitol
Charleston, West Virginia 25305

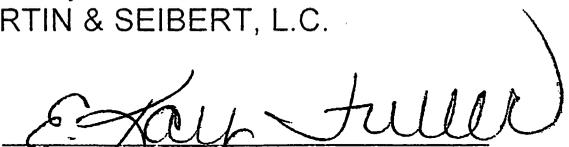
**RE: *Dorsey v. Progressive Classic*
Appeal No. 12-1254**

Dear Rory:

Pursuant to Rule 10(i) of the West Virginia Rules of Appellate Procedure, please be advised that Progressive Classic Insurance Company intends to rely upon recent memoranda decision of the West Virginia Supreme Court of Appeals. Specifically, Progressive Classic will rely upon *Salmons v. State Farm*, No. 12-0891 and *Triad v. Nationwide*, No. 12-1110.

Both memorandum opinions support Progressive Classic's position in this matter concerning who has standing to assert a "bad faith" claim. *Salmons* in particular makes it clear that one who is not a party to the insurance contract under which her claim was made and payable is not a first party claimant for whom such claims are reserved. These opinions were released June 7 and June 24, 2013 and were therefore not available to Progressive Classic at the time it filed its Respondent's Brief in this matter. Thank you for your prompt attention to this matter.

Sincerely,
MARTIN & SEIBERT, L.C.

BY: 
E. Kay Fuller

cc: Chad C. Groome, Esquire
Karen Mascio, Esquire

Practicing in West Virginia, Maryland, Virginia, Pennsylvania, and the District of Columbia