



9 to 5 Claims Administrators, Inc.

Dolly Parton
Litigation Specialist

July 17, 2018

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Patsy Cline, President
Porter Wagoner Master, Inc.
555 Main Street, Suite 185
Winchester, VA 22601

Tammy Wynette
Complex Claims Director - Excess Casualty Department
Big Insurance Company
P.O. Box 55555
Nashville, TN 37230

Via email to: Tammy.Wynette @BigInsurane.com

Re: Big Company Insurance Policy Number: 000XXXXXXX
Claim #: 555-5555555-555
Our Client: County of West, North Carolina
Our Claim Number: XXXXXXXX
Claimant: Marty Robbins
Date of Accident: March 30, 2017

Dear Ms. Cline and Ms. Wynette,

Please be advised that we, 9 to 5 Claims Administrators Inc., are the third-party claims administrator handling the above referenced auto liability claim on behalf of West County, North Carolina. On March 22, 2018, the County received service on a Complaint filed on behalf of Johnny Cash, Willie Nelson, Waylon Jennings, Merle Haggard, and Kris Kristofferson against Porter Wagoner Master, Inc., and West County, A Body Politic, filed in the West County Superior Court, case # 18 CV 00555.

“Wagon Master Transport” is administered and operated through contracts between West County, the Local Regional Council, and Porter Wagoner Master, Inc. Wagon Master Transport provides public transportation, on behalf of the West County Government. Local Regional Council manages the administrative functions of Wagon Master Transport. However, the service and operations, including hiring and employing the drivers and insuring the County vehicles, is

contracted out to Porter Wagoner Master, Inc. The County is an additional insured under Porter Wagoner Master, Inc.'s, liability policies.

The Complaint that was served on the County alleges that on March 30, 2017, Marty Robbins, a Porter Wagoner Master, Inc. employee, was involved in a head on collision with the plaintiffs' vehicle. Marty Robbins was in the course and scope of his employment, with Porter Wagoner Master, Inc., at the time of the accident.

Upon reviewing the contract agreement between Porter Wagoner Master, Inc. and West County, we find that Porter Wagoner Master, Inc., has agreed to indemnify, save and hold the County harmless for any claims/actions, which are attributable to the negligence or tortuous acts of it or its subcontractor(s) in the performance of said contract. Additionally, the Certificate of Insurance provided by Porter Wagoner Master, Inc., names West County, its Board of Commissioners, the CTAB (Community Transportation Advisory Board) and contracting agencies and their Boards, and each of their present and future employees, as additional insureds as respect to the terms of the contract.

On behalf of West County, it is our position that Porter Wagoner Master, Inc., contractually owes defense and indemnification to the West County Government in the above referenced Action. We are therefore tendering this claim to your firm to assume the handling of the defense of this matter, to the benefit of West County, North Carolina.

It is the County's understanding that attorney Faith Hill of the law firm Hill & McGraw, receiving this letter by copy, is representing Porter Wagoner Master, Inc.. in this matter. Given the unique nature of the issues that could arise in this case, including but not limited to governmental immunity, the County requests that you retain Hill & McGraw to represent it in this matter as well.

We ask that your insurance carrier advise us, in writing, of their position of acceptance of this tender and confirmation that they will defend and indemnify the County of West, North Carolina.

Sincerely,

Dolly Parton
Litigation Specialist
9 to 5 Claims Administrators Inc.

cc: Faith Hill
West County Risk Manager
West County Attorney