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May 24, 2013

RECEIVED

MAY 29 2013

The Honorable Donald E. Shearouse
Supreme Court of South Carolina
P.O. Box 11330
Columbia, SC 29211

S.C. SUPREME COURT

Dear Mr. Shearouse,

Re: Henderson, Diane, Respondent, v. Summerville Ford-Mercury, Inc., Appellant
Appellate Case No: 2012-207606

Please find enclosed:

- An original and a copy of a letter regarding supplemental authority regarding the above case;
- A self-addressed stamped envelope.

Please return a stamped copy of that letter.

By copy of these letters, I am serving opposing counsel.

Yours very truly,



Brooks R. Fudenberg
Attorney for Respondent

cc: Robert Riebold, Esq.

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Dear Mr. Shearouse,

Re: Henderson, Diane, Respondent, v: Summerville Ford-Mercury, Inc., Appellant
Appellate Case No: 2012-207606

Pursuant to Rule 208(b)(7), SCACR, Respondent, Diane Henderson, respectfully brings the following two supplemental authorities to the attention of the Court:

Swissmex-Rapid S.A. de C.V. v. SP Systems, LLC, 212 Cal. App. 4th 539, 151 Cal. Rptr. 3d 229 (December 28, 2012) (holding that the FAA's procedural provisions apply only to proceedings in federal court, and section 9 of the FAA is procedural, thus state law controls confirmation of arbitral awards in state court; further holding that the reference in section 9 to bringing applications "to the United States court in and for the district within which such award was made" makes the section inapplicable to state courts and therefore state law applies to confirmation of awards).

The case pertains to Issue "F" of the Brief of Respondent

Bernstein Family Ltd. Partnership v. Sovereign Partners, L.P., 66 A.D.3d 1, 883 N.Y.S.2d 201 (2009) (explaining that "No principle of law supports the proposition that courts are free to deny a party a statutory right on the ground that the right the Legislature chose to grant has no practical significance to the party"; further explaining that mootness is not properly at issue, for in confirming a satisfied award, a court is not exercising the quintessentially judicial power to resolve disputes, but is exercising a ministerial function at the behest of the Legislature).

Reference: page 18 of the Brief of Respondent.

Yours very truly,



Brooks R. Fudenberg
Attorney for Respondent

cc: Robert Riebold, Esq.