



Representing Management Exclusively in Workplace Law and Related Litigation

Jackson Lewis P.C.
One Liberty Square
55 Beattle Place, Suite 800
Greenville, SC 29601
Tel 864 232-7000
Fax 864 235-1381
www.jacksonlewis.com

- ALBANY, NY
ALBUQUERQUE, NM
ATLANTA, GA
AUSTIN, TX
BALTIMORE, MD
BIRMINGHAM, AL
BOSTON, MA
CHICAGO, IL
CINCINNATI, OH
CLEVELAND, OH
DALLAS, TX
DENVER, CO
DETROIT, MI
GRAND RAPIDS, MI
GREENVILLE, SC
HARTFORD, CT
HOUSTON, TX
INDIANAPOLIS, IN
JACKSONVILLE, FL
LAS VEGAS, NV
LONG ISLAND, NY
LOS ANGELES, CA
MEMPHIS, TN
MIAMI, FL
MILWAUKEE, WI
MINNEAPOLIS, MN
MORRISTOWN, NJ
NEW ORLEANS, LA
NEW YORK, NY
NORFOLK, VA
OMAHA, NE
ORANGE COUNTY, CA
ORLANDO, FL
PHILADELPHIA, PA
PHOENIX, AZ
PITTSBURGH, PA
PORTLAND, OR
PORTSMOUTH, NH
PROVIDENCE, RI
RALEIGH-DURHAM, NC
RAPID CITY, SD
RICHMOND, VA
SACRAMENTO, CA
SAINT LOUIS, MO
SAN DIEGO, CA
SAN FRANCISCO, CA
SAN JUAN, PR
SEATTLE, WA
STAMFORD, CT
TAMPA, FL
WASHINGTON, DC REGION
WHITE PLAINS, NY

May 14, 2014

The Honorable Daniel E. Shearouse
Clerk of Court
Supreme Court of South Carolina
Supreme Court Building
1231 Gervais Street
Columbia, SC 29201

RECEIVED

MAY 16 2014

S.C. SUPREME COURT

Re: David W. Keller, Respondent v. ING Financial
Partners, Inc., William C. Johnson, and Diversified
Business Concepts, Inc., Petitioners; Opinion No.
2013-UP-014 (S.C. Ct. App. Filed Jan. 9, 2013)

Dear Mr. Shearouse:

On June 10, 2013, Petitioners filed a Petition for Certiorari in the above-referenced matter (the "Petition"). In accordance with Rule 208(b)(7) SCACR, Petitioners now provide the Court with this notice of supplemental authority with respect to two significant and pertinent decisions decided since June 10, 2013, which bear directly on the issues raised in the pending Petition.

The first supplemental authority is Wells Fargo Advisors, LLC v. Runnels, 126 So. 3d 137, 144 (Miss. Ct. App. 2013), in which the Mississippi Court of Appeals rejected the plaintiff's argument that arbitration was void simply because the arbitration agreement referred to arbitration under NASD rather than FINRA because this was "only a name change" which did not "negate the validity of the arbitration agreement." This citation supports Petitioners' argument on pages 12 and 13 of the Petition, under the Heading, "Even If The Parties Had Chosen NASD As The Exclusive Forum, That Forum Remains Available at FINRA."

The second supplemental authority is Rusciano v. Oppenheimer & Co, Inc.; 2014 U.S. Dist. LEXIS 59413 at *3-4 (S.D.N.Y. Apr. 25, 2014), in which a federal district court rejected the same argument made by Respondent—that an arbitration agreement is void where it refers to NASD rather than FINRA. The court held "[t]he NASD has not ceased to exist; its name was merely changed to [FINRA]." This citation supports the argument on pages 10 through 13 of the Petition that a mere name change does not render a forum unavailable for arbitration.

The Honorable Daniel E. Searouse
Re: Keller v. ING, et al.
May 14, 2014
Page 2

Petitioners respectfully request that the Court consider these supplemental citations in deciding whether to grant review of the South Carolina Court of Appeals' decision in this case, which is contrary to the supplemental authorities and those cited in the Petition.

Sincerely,

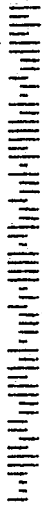
JACKSON LEWIS P.C.



T. Chase Samples

TCS/msw
Enclosures

cc : H. Donald Sellers, Esq. (w/ enclosures via U.S. Mail)
Charles F. Turner, Jr., Esq. (w/ enclosures via U.S. Mail)



jackson lewis
Attorneys at Law

Jackson Lewis P.C.
One Liberty Square
55 Beattie Place, Suite 800
Greenville, South Carolina 29601

The Honorable Daniel E. Shearouse
Clerk of Court
Supreme Court of South Carolina
Supreme Court Building
1231 Gervais Street
Columbia, SC 29201