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S.C. SUPREME COURT

VIA ELECTRONIC FILING

The Honorable Joseph F. Anderson, Jr.
Senior U.S. District Judge
U.S. District Court
901 Richland Street
Columbia, SC 29201

**Re: Tower Street Capital Management Inc. v. KnightBrook Insurance
Company
Case No.: 3:17-cv-01781-JFA
Appellate Case No.: 2019-001373**

Dear Judge Anderson:

In accordance with South Carolina Appellate Court Rule 244(b), Plaintiff Tower Street Capital Management, Inc. hereby requests the United States District Court for the District of South Carolina supplement the record accompanying the questions that have been certified to the South Carolina Supreme Court for review in the above-referenced matter. Plaintiff requests the additional documents be included in the record because they are referenced in the Court's Certification Order. Order for Cert., ECF No. 82. Specifically, Plaintiff posits the following documents are integral to ensuring completeness of the record before the South Carolina Supreme Court.

1. Finder's Fee Agreement: As acknowledged by the District Court, the present case "arises out of a dispute" over the Finder's Fee Agreement. *Id.* at 2. Moreover, the Order contains citation to the Agreement. *Id.* at 4. A copy of the Agreement was filed as Exhibit A to the Complaint, and has been attached to several other filings with the District Court. *See, e.g.,* ECF No. 1.
2. Letter of Intent: As reflected in the Order, the language quoted from the Finder's Fee Agreement references the Letter of Intent. *Id.* at 3-4. Additionally, the Order cites to language from the Letter of Intent. *Id.* at 3, n.3. Furthermore, the relevance of this document to interpretation of the underlying issues before the Supreme Court is underscored by its filing by both parties in support of their respective motions before this Court. *See, e.g.,* ECF No. 48-9, 50-20.
3. Agency Agreements: The two insurance programs that are the subject of the Finders Fee Agreement were operated by agency agreements. These written agreements should be part of the record to assist the Supreme Court with understanding the nature of the parties' dispute and the impact the Court's ruling will have on similar types of agreements in the



insurance markets. The District Court reviewed these agreements *in camera*. Order for In Camera Review, ECF No. 55.

- Managing General Agency Agreement dated March 1, 2012 between DGU Insurance Associates, LLC and Knight Management Insurance Services, LLC
 - General Agency Agreement between NFP Property and Casualty Services, Inc. and Knight Management Insurance Services, LLC, dated September 1, 2017
 - Quota Share Reinsurance Agreement with State National Insurance Company, dated December 1, 2003
 - General Agency Agreement between and among State National Insurance Company, Inc., Knight Insurance Company, Ltd, and Knight Management Insurance Services, LLC, dated December 1, 2003
4. Deposition Testimony: Central to review of the Finder's Fee Agreement is the deposition testimony of Curtis Stewart, Madison Cone, and KnightBrook's 30(b)(6) witness regarding the duration of the Agreement. Such testimony has been filed with the Court. See ECF Nos. 51-5 & 54-2 (excerpts of Madison Cone); 50-7 & 51-8 (excerpts of Curtis Stewart); and 51-3 & 54-1 (excerpts from KnightBrook 30(b)(6) witness)

Based on the foregoing, Plaintiff respectfully requests these documents be included in the record provided to the South Carolina Supreme Court. Prior to filing this letter, counsel consulted with Defendants' counsel and was advised Defendant will present its requests to supplement the record and objections to Plaintiff's requests herein before the end of the week. In accordance with Rule 244, SCACR, a copy of this request has been provided to the South Carolina Supreme Court.

With kind regards, I am

Very truly yours,

s/ James M. Griffin
James M. Griffin

JMG/jh


cc: South Carolina Supreme Court (Via U.S. Mail)
James G. Long, III (Via Electronic Filing)
Emily L. Dobson (Via Electronic Filing)
Thornwell F. Sowell, III (Via Electronic Filing)
Bess DuRant (Via Electronic Filing)

GRIFFIN  DAVIS

PO BOX 999, COLUMBIA, SC 29202

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

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