

The South Carolina Court of Appeals

Sunset Lodge, LLC,

and

Franklin D. Beattie, as trustee of The Franklin D. Beattie
Preservation Trust,

and

M. Baron Stanton, Plaintiffs,

v.

Town of Pawleys Island, Defendant,

Of which Sunset Lodge, LLC and Franklin D. Beattie, as
trustee of the Franklin D. Beattie Preservation Trust are
the Appellants,

and

Town of Pawleys Island is the Respondent.

Appellate Case No. 2022-000291

ORDER

After careful consideration of Appellants' amended motion to seal and the factors enumerated in Rule 41.1, SCRCP, and *Ex parte Capital U-Drive-It, Inc.*, the motion is denied. 369 S.C. 1, 10, 630 S.E.2d 464, 469 (2006) ("Judicial proceedings and court records are presumptively open to the public under the common law, the First Amendment of the federal constitution, and the state constitution."); *see also* S.C. Const. art. I § 9 ("All courts shall be public . . ."); Rule 41.1, SCRCP (requiring a party asking to seal a record to identify, with

specificity, the documents or portions of documents for which sealing is considered necessary, to include a non-confidential description of the documents, and to provide the Court a separately sealed attachment labeled "Confidential Information to be submitted to Court in Connection with the Motion to Seal," state the reasons why sealing is necessary, explain why less drastic alternatives to sealing will not afford adequate protection, and address the following factors: "(1) ensuring the parties' right to a fair trial or hearing; (2) the need for witness cooperation; (3) the reliance of the parties upon expectations of confidentiality of the proceeding; (4) the public or professional significance of the proceeding; (5) the perceived harm to the parties from disclosure; (6) why alternatives other than sealing the documents are not available to protect legitimate private interests; and (7) why the public interest, including, but not limited to, the public health and safety, is best served by sealing the documents.").

However, Appellants shall serve and file the first set of documents, containing the redactions, as a supplement to the record on appeal. This separate volume will not be available on C-Track public access unless or until this court rules otherwise.

As to the second set of documents, Appellants shall deliver those documents to this court for *in camera* review, separately from the record on appeal, and service upon Respondent will not be required. Those documents will be accessible only to the court, court personnel, and Appellants' counsel unless or until this court rules otherwise.

Appellants' request for an extension to serve and file the record on appeal is granted. Appellants shall serve and file the record on appeal within thirty days of the date of this order. No further extensions will be granted.



FOR THE COURT

Columbia, South Carolina

FILED
Jul 28 2023

cc:

M. Baron Stanton, Esquire

William Clayton Dillard, Jr., Esquire

Norwood David DuRant, Sr., Esquire
Norwood David DuRant, Jr., Esquire