



The South Carolina Court of Appeals

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December 12, 2023

Joe L. Adams, Jr.
721 Ogden Road
Rock Hill SC 29730

Mr. William Cyrus Corbett, Esquire
PO Box 1038
Chester SC 29706

Re: Joe Adams Jr. v. Betty Ogbuneke
Appellate Case No. 2022-000357

Dear Counsel and Mr. Adams:

Enclosed is the decision of the Court. The final briefs are due to be served and filed within thirty (30) days of the date of this letter.

Very truly yours,

A handwritten signature in blue ink that reads "Jenny A. Kitchings". The signature is fluid and cursive.

CLERK

The South Carolina Court of Appeals

Joe L. Adams Jr., Appellant,

v.

Betty Ogbuneke, Respondent,

In the Matter of Joe L. Adams Sr.

Appellate Case No. 2022-000357

ORDER

Appellant has filed a motion to seal the record on appeal in this case. Although there is no provision in the South Carolina Appellate Court Rules for sealing records in the appellate court, the court has the inherent power to control its own records. *See Ex parte Capital U-Drive-It, Inc.*, 369 S.C. 1, 12, 630 S.E.2d 464, 470 (2006). Rule 41.1(b), SCRCP, requires a motion to seal to identify, with specificity, the documents or portions of documents for which sealing is considered necessary, to contain a non-confidential description of the documents, and to be accompanied by a separately sealed attachment labeled "Confidential Information to be submitted to Court in Connection with the Motion to Seal." The Rule also requires the moving party to state the reasons why sealing is necessary, explain why less drastic alternatives to sealing will not afford adequate protection, and address the following factors:

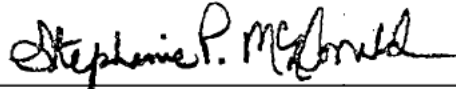
- (1) ensuring the parties' right to a fair trial or hearing;
- (2) the need for witness cooperation;
- (3) the reliance of the parties upon expectations of confidentiality of the proceeding;
- (4) the public or professional significance of the proceeding;
- (5) the perceived harm to the parties from 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.

Id. When ruling on a motion to seal, the court may also consider the public interest in the proceeding; the private or public status of the litigants and case generally; whether release would enhance the public's understanding of an important historical event; whether the public already has access to information contained in the records; whether a particular decision will sustain or offend the fundamental interests of public access, and any other relevant factors. *Ex parte Capital U-Drive-It, Inc.*, 369 S.C. at 12, 630 S.E.2d at 470 (2006).

Appellant's motion fails to address the factors listed above. Accordingly, the motion to seal is denied without prejudice to Appellant's right to provide the court with the information required by Rule 41.1(b), SCRPC, and *Ex parte Capital U-Drive-It, Inc.*

Appellant has also moved to disqualify Attorney William Cyrus Corbett. Part-time judges, such as magistrates, are permitted to practice law, subject to certain limitations. Absent some indication from the parties that counsel has violated these authorities, Appellant's motion to disqualify Attorney William Cyrus Corbett is denied. *See* S.C. Code Ann. § 22-1-40 ("It shall be unlawful for any magistrate to appear as attorney at law in any of the courts of this State in any action which may have been before him in his official capacity as such magistrate."); Rule 501, SCACR, Canon 4 ("A judge shall conduct all of the judge's extra-judicial activities so that they do not . . . cast reasonable doubt on the judge's capacity to act impartially as a judge.").



FOR THE COURT

Columbia, South Carolina

cc:
Joe L. Adams, Jr.
William Cyrus Corbett, Esquire

FILED
Dec 12 2023
