

# The Supreme Court of South Carolina

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Dec 13 2023

SC Court of Appeals

John Trenton Pendarvis, Respondent,

v.

L.C. Knight, in his official capacity as Dorchester County Sheriff, Mark Keel, in his official capacity as Chief of the South Carolina State Law Enforcement Division; Hugh E. Weathers, in his official capacity as the South Carolina Commissioner of Agriculture; and John Doe(s),  
Defendants,

Of whom Mark Keel, in his official capacity as Chief of the South Carolina State Law Enforcement Division, is the Petitioner.

Appellate Case No. 2023-001533

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## ORDER

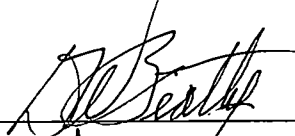
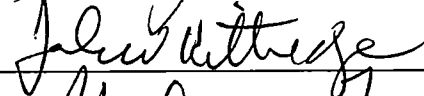
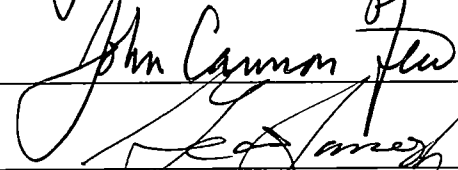
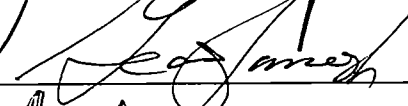

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Petitioner seeks a writ of certiorari to review the court of appeals' dismissal of the underlying order of the circuit court on the ground that the discovery order was not immediately appealable. Because the court of appeals correctly held the discovery order was not immediately appealable, we deny the petition for a writ of certiorari to the court of appeals. *See Grosshuesch v. Cramer*, 377 S.C. 12, 30, 659 S.E.2d 112, 122 (2008) (holding discovery orders are not immediately appealable because they do not involve the merits of the case or affect a substantial right); *Richardson v. Halcyon Real Est. Servs.*, 439 S.C. 419, 427, 887 S.E.2d 153, 157 (Ct. App. 2023) (holding a discovery sanctions order neither involves the merits of the case nor affects a substantial right and, therefore, is not immediately appealable).

We are concerned, however, about the order to produce the requested personnel files, which contain highly personal information, *without protection*. Therefore, we issue a common law writ of certiorari, dispense with further briefing, and direct

the Honorable Maite Murphy to amend the discovery order to include language adequately protecting the requested personnel files from disclosure to anyone other than the parties, the attorneys, and their staffs. *See Hollman v. Woolfson*, 384 S.C. 571, 578, 683 S.E.2d 495, 498 (2009) (noting the right of privacy is an issue of significant public interest, and a trial judge may issue an order "to protect a party or person from annoyance, embarrassment, oppression, or undue burden by expense" if the discovery process creates a particularized harm to a litigant or third party (citing Rule 26(c), SCRPC)); *Oncology & Hematology Assocs. of S.C., LLC v. S.C. Dep't of Health & Env't Control*, 387 S.C. 380, 387, 692 S.E.2d 920, 924 (2010) (explaining a writ of certiorari may be issued to review a discovery order when exceptional circumstances exist).

Respondent has filed a motion to dismiss the petition for a writ of certiorari and a request for sanctions. The motion to dismiss and the request for sanctions are denied.

	_____	C.J.
	_____	J.
	_____	J.
	_____	J.
	_____	J.

Columbia, South Carolina  
December 13, 2023

cc:  
Daniel Clifton Plyler, Esquire  
Austin Tyler Reed, Esquire  
Frederick Newman Hanna, Jr., Esquire  
Patrick James McLaughlin, Esquire  
C. Bradley Hutto, Esquire  
The Honorable Jenny Abbott Kitchings  
The Honorable Maite Murphy