



The South Carolina Court of Appeals

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September 25, 2024

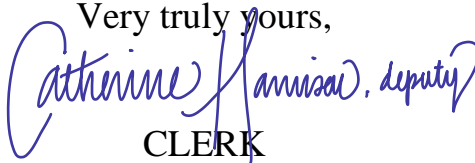
Mr. Stephen Harrison Williams, Esquire
PO Box 21069
Hilton Head Island SC 29925

Re: Turner's Marina v. Daniel Hyde
Appellate Case No. 2024-000105

Dear Counsel:

Enclosed is the Court's decision on the respondent John William Caput's motion to seal. Within 30 days from the date of this letter, Respondents may serve and file the Respondents' initial briefs and designations of matter. The Respondents' initial briefs and designations of matter will not be considered by the Court if they are not served and filed within 30 days from the date of this letter.

Very truly yours,

A handwritten signature in blue ink that reads "Catherine S. Harrison, deputy". The signature is written in a cursive style.

CLERK

cc: Thomas C Taylor, Esquire
Russell Pierce Patterson, Esquire

The South Carolina Court of Appeals

Turner's Marina, LLC, Appellant,

v.

Daniel Hyde, Laura Hyde, and John William Caput,
Respondents.

Appellate Case No. 2024-000105

ORDER

Respondent John William Caput has filed a motion to seal Respondents' joint initial brief. 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), SCRCR, 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).

Respondent Caput's motion fails to address the factors listed above. Accordingly, the motion to seal is denied without prejudice to Respondent's right to file an amended motion providing the court with the information required by Rule 41.1(b), SCRCF, and *Ex parte Capital U-Drive-It, Inc.*



FOR THE COURT

Columbia, South Carolina

FILED
Sep 25 2024

cc:

Thomas C Taylor, Esquire
Russell Pierce Patterson, Esquire
Stephen Harrison Williams, Esquire