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Oct 22 2024

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

The Honorable Diane Schafer Goodstein
Beaufort County
Trial Court Case No. 2021-CP-07-02165

APPELLATE CASE NO. 2024-000105

Turner's Marina, LLC,

Appellant,

v.

Daniel Hyde, Laura Hyde and

John William Caput,

Respondents.

**RESPONDENTS' DANIEL HYDE, LAURA HYDE AND
JOHN WILLIAM CAPUT'S JOINT RETURN TO APPELLANT'S OCTOBER 18, 2024
MOTION TO SEAL CERTAIN EXHIBITS**

The Respondents' Daniel Hyde, Laura Hyde and John William Caput submit this Joint Return to Appellant's October 18, 2024 Motion to Seal Certain Exhibits ("Motion").

1. Any Order to Seal Exhibits Should Also Include the Respondents' Brief.

The Respondents do not oppose Appellant's Motion to file under seal the subject financial documents listed on pages 1 and 2 of the Motion ("Financial Documents"). However, if the information in the Financial Documents is to be fully protected, any such Order should include all

or a part of Respondents' Joint Brief ¹, where specific financial information from the subject Financial Documents is discussed in depth. To not allow the Respondents to discuss the financial documents in their Joint Brief, would prejudice the Respondents' ability to respond to the issues that Appellant has injected into this appeal. Appellant seeks to reargue the issues of the relevancy of the Financial Documents in this appeal in an attempt to save Appellant from its contempt of court. If the Court of Appeals is inclined to grant Appellant's Motion and allow the Financial Documents to be filed under seal, then the Respondents should be allowed to file their Joint Brief under seal otherwise the Appellant to be awarded an unfair advantage by virtue of injecting issues into this appeal and the Respondents not being allowed to discuss those issues in their Joint Brief.

2. Clarification of Issues on Appeal

While generally agreeing with the relief sought in Appellant's Motion, Respondent would strongly disagree with several statements contained in the Motion. At the top of page 4 of the Motion, Appellant states this appeal does not involve Appellants' compliance with Judge Sprouse's Order to produce documents. The issue of compliance is part of this appeal, as Judge Goodstein's Order, dated January 11, 2023, holding Appellant in contempt of court, included sanctions to address the possibility Appellant did not turn over all required financial documents required by Judge Sprouse (Goodstein Order, pp. 8-9)

In addition, at the bottom of page 5 of the Motion, Appellant states "...[t]he Respondents have, since the discovery phase of the lower court suit, sought to improperly gain access to this confidential financial information when they had no legitimate interest in it." (emphasis added) To the contrary, pursuant to a formal Request to Produce under Rule 34, SCRCF, Judge Sprouse, after reviewing *in camera* the Financial Documents, ordered Appellant to produce same, specifically

¹ Respondents' Initial Brief has not yet been filed with the Court due to the delays in the briefing schedule resulting from the confidentiality issues triggered by the Financial Documents.

finding said Financial Documents "...are reasonably calculated to lead to admissible evidence." (Sprouse Order, p.1). Respondents' have done absolutely nothing "improper," but simply followed customary discovery practices under the South Carolina Rules of Civil Procedure. The only thing "improper" was Appellant's decision to simply ignore Judge Sprouse's Order, which resulted in the Contempt of Court Order by Judge Goodstein.

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October 22, 2024

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the date indicated below, counsel for Appellant was served with a copy of the Respondents' Daniel Hyde, Laura Hyde and John William Caput's Joint Return to Appellant's Motion to Seal Certain Exhibits by e-mailing a copy of the same via E-mail on the date set forth below. A copy of the E-mail is attached hereto as Exhibit 1.

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October 22, 2024

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October 22 , 2024

The Hon. Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
1220 Senate Street
Columbia, SC 29201


via E-mail and USPS Mail

Re: Turner's Marina LLC v. Caput, Hyde
Case No.: 2024-000105

Please find the Respondents' Daniel Hyde, Laura Hyde and John William Caputs' Joint Return to Appellant's Motion to Seal Certain Exhibits and Proof of Service in the above matter.

Thank you for your assistance in this matter. Please do not hesitate to contact me with any questions.

Sincerely,
RUSSELL P. PATTERSON, P.A.



Russell P. Patterson

RPP

Enclosures

cc: Counsel of Record w/enc - e-mail only