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Nov 20 2024

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

The Honorable Mikell R. Scarborough, Master-In-Equity

Case No. 2021-CP-10-3609
Appellate Case No. 2023-001334

Jason M. Aryeh,Respondent,

v.

Olivia R. Aryeh.....Appellant.

MOTION TO SEAL PORTION OF PROPOSED APPENDIX TO RECORD ON APPEAL

Pursuant to the Supreme Court’s Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings dated April 15, 2014, Respondent moves to seal portions of his proposed Appendix to the Record on Appeal submitted with a Motion for Leave on November 19, 2024. Respondent seeks to seal materials from the parties’ divorce action in Connecticut found on pages 187-199 and 204-244 of the proposed Appendix. A substitute version of the Appendix omitting those pages has been attached to this motion. Respondent asks that this version of the Appendix be substituted for the version previously submitted and that this version be the one of record going forward.

The material Respondent seeks to seal contains sensitive personal, health, and financial information and information relating to the parties’ minor children. Although there is not an

Appellate Court Rule on point, Rule 41.1(b) of the South Carolina Rules of Civil Procedure provides the following guidance:

The motion shall 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) the need to ensure a fair trial;
- (2) the need for witness cooperation;
- (3) the reliance of the parties upon expectations of confidentiality;
- (4) the public or professional significance of the lawsuit;
- (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 as identified by this Rule; and
- (7) why the public interest, including, but not limited to, the public health and safety, is best served by sealing the documents.

The burden is on the party seeking to seal documents to satisfy the court that the balance of public and private interests favors sealing the documents. In family court matters, the judge shall also consider whether documents: 1) contain material which may expose private financial matters which could adversely affect the parties; and/or 2) relate to sensitive custody issues, and shall specifically balance the special interests of the child or children involved in the family court matter.

Here, the family court provisions should apply to the materials in question and sealing is appropriate because the documents may expose private financial matters which could adversely affect the parties and relate to sensitive custody issues. As far as the other factors, sealing the material will not hamper the parties' ability to have a fair trial or impede witness cooperation, the parties have an interest in and expectation of confidentiality and there is a potential for harm should this material be made public, there is no public or professional significance to this lawsuit which involves an improperly filed *lis pendens*, there is no alternative other than sealing to provide the Court this information for purposes of evaluating the appeal, and there is no public interest in this material and the health and safety of the parties is served by sealing it.

For all of these reasons, Respondent asks that pages 187-199 and 204-244 of the proposed Appendix be sealed and that the Court accept the attached version of the proposed Appendix that removes these pages for purposes of the public record. Respondent further asks that the attached version of the proposed Appendix be substituted for the version attached to the Motion for Leave filed on November 19, 2024.

Respectfully submitted,

HAYNSWORTH SINKLER BOYD, P.A.

s/ Sarah P. Spruill

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Attorneys for Respondent Jason M. Aryeh

November 20, 2024
Greenville, South Carolina

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PROOF OF SERVICE

I certify that I have served the Motion to Seal Portion of Proposed Appendix to Record on Appeal on all parties of record by depositing a copy of the same in the United States Mail, postage prepaid, on November 20, 2024, addressed to:

Olivia Aryeh
30 Upland Drive
Greenwich CT 06831


Stacey Carberry, Legal Assistant

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November 20, 2024

VIA EMAIL & US MAIL

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

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Re: *Jason M. Aryeh v. Olivia R. Aryeh*
Appellate Case No. 2023-001334

Dear Ms. Kitchings:

This firm represents the Respondent in the above-captioned matter. Enclosed for filing, please find Respondent's Motion to Seal Portion of Proposed Appendix to Record on Appeal. Enclosed is our firm's check to cover the cost of the motion filing fee (with mailed copy).

Once the motion has been filed-stamped, we would appreciate your reply to this message with a filed-stamped copy. Thank you for your assistance in this matter.

Sincerely yours,

HAYNSWORTH SINKLER BOYD, P.A.



Sarah P. Spruill

SPS/sac

Enclosure

cc: Olivia R. Aryeh (Via U.S. Mail)
Stafford J McQuillin (Via email mmcquillin@hsblawfirm.com)
Elliot Condon (Via email econdon@hsblawfirm.com)