



The South Carolina Court of Appeals

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November 26, 2024

Mr. Thomas C Taylor, Esquire
PO Box 1808
Bluffton SC 29910-1808

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

Dear Counsel:

Enclosed is the Court's decision on the appellant's motion to seal. Within 30 days from the date of this letter, Respondent may serve and file the Respondent's initial brief and designation of matter. The Respondent's initial brief and designation of matter will not be considered by the Court if it is 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 Harrison, deputy". The signature is written in a cursive style.

CLERK

cc: Russell Pierce Patterson, Esquire
Stephen Harrison Williams, 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

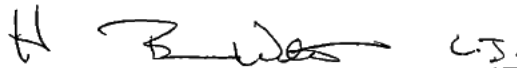
On October 18, 2024, Appellant filed a motion to file certain matters under seal. Specifically, Appellant requests an order sealing the documents referred to under number fourteen on Appellant's designation of matter titled "Documents submitted to Judge Sprouse for in camera review on June 16, 2023 (to be SEALED)," which were submitted with its motion. Respondents filed a return in which they did not oppose the motion to seal but asserted that any such order should also include all or part of their appellate brief as it would include an in-depth discussion of the specific information Appellant seeks to seal. Appellant did not file a reply.

Although there is no provision in the South Carolina Appellate Court Rules for sealing records in the appellate court, the court has the 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), SCRPC, 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.

After careful consideration of the motion to seal and return, the motion to seal is granted. Appellant may file a supplemental record on appeal under seal, which contains the sealed versions of the matters designated in number 14 of Appellant's designation of matter. Additionally, Respondents may file an initial brief and final brief under seal and a redacted copy of their initial brief and final brief that omits references to the matters at issue and which will not be sealed.



FOR THE COURT

Columbia, South Carolina

FILED
Nov 26 2024

cc:

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