

The South Carolina Court of Appeals

Jason M. Aryeh, Respondent,

v.

Olivia R. Aryeh, Appellant.

Appellate Case No. 2023-001334

ORDER

On November 19, 2024, Appellant filed her final brief. On November 25, 2024, this court sent a letter to Appellant explaining her final brief did not comply with Rule 211(b) of the South Carolina Appellate Court Rules and requiring Appellant correct her final brief within ten days. Appellant then filed a motion to amend her final brief on December 4, 2024. Respondent filed a return, opposing Appellant's motion to amend her final brief. After careful consideration, we deny Appellant's motion to amend her final brief. Within ten days of the date this order, Appellant shall serve and file a final brief that complies with Rule 211(b) as directed in this court's November 25, 2024 letter. Failure to comply will result in dismissal of this appeal.

On October 30, 2024, Appellant filed and served the record on appeal. On November 19, 2024, Respondent filed a motion to file an appendix to the record on appeal because the record on appeal filed by Appellant failed to include the matters designated by Respondent. Respondent conditionally filed the appendix. Appellant did not file a return. After careful consideration, we grant Respondent's motion and we accept the appendix as filed.

On November 20, 2024, Respondent filed a motion to seal a portion of the appendix. Specifically, Respondent moved to seal pages 187-199 and 204-44 of the appendix. 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) of the South Carolina Rules of Civil

Procedure¹ 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.

Respondent also provided an appendix omitting pages 187-199 and 204-44 and replacing them with documents titled "placeholder." Appellant did not file a return to the motion to seal. After careful consideration of the motion and the orders on appeal, the motion to seal pages 187-199 and 204-44 of the appendix is granted. The appendix filed on November 19, 2024, will be sealed; the appendix filed on November 20, 2024, will remain unsealed.



FOR THE COURT

Columbia, South Carolina

¹ In family court matters, the judge must also consider whether the case contains material which may expose private financial matters which could adversely affect the parties or relates to sensitive custody issues, and shall specifically balance the special interests of the child or children involved in the family court matter. *See* Rule 41.1 (c), SCRCF; *Ex parte Capital U-Drive-It, Inc.*, 369 S.C. at 12, 630 S.E.2d at 470. Although the instant appeal is not a family court matter, Respondent asks this court to seal documents arising out of a family court matter between the parties. Therefore, this court finds these additional considerations instructive.

cc:

Olivia Aryeh

E. Elliot Condon, Esquire

Stafford J McQuillin, III, Esquire

Sarah P. Spruill, Esquire

FILED
Jan 16 2025