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May 28 2025

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas
Jessica Ann Salvini, Circuit Court Judge

Civil Action No. 2024-CP-10-04202

Appellate Case No. 2025-000355

Hulsey Law Group, LLC,

Respondent,

v.

Robin M. Schoepfel, Jessica Lynn Schoepfel, and Nicolas Mark Schoepfel,

Appellants.

MOTION TO SEAL

Robin M. Schoepfel, Jessica Lynn Schoepfel, and Nicolas Mark Schoepfel (“Appellants” or the “Schoepfels”) respectfully submit this motion to seal certain confidential information included in the Record on Appeal and referenced in their appellate brief (“Confidential Information”). Specifically, Appellants seek to file three exhibits that they submitted under seal in the circuit court and to redact quotations from the sealed exhibits in their publicly filed brief. For the reasons discussed below, the Confidential Information should be sealed because the parties meet the standard for sealing provided in Rule 41.1 of the South Carolina Rules of Civil Procedure.

LAW AND ARGUMENT

Pursuant to Rule 41.1, a motion to file documents under seal must “state the reasons why sealing is necessary” and “explain why less drastic alternatives to sealing will not afford adequate

protection.” *See* Rule 41.1(b). The Rule also requires that the movant explain why the following factors support sealing: (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. For the following reasons, the standard for sealing the Confidential Information under Rule 41.1 is met here, and the Court should grant this motion.

First, sealing the Confidential Information is necessary because the instant case involves a dispute between Respondent Hulsey Law Group, LLC (“HLG”) and their former clients, the Schoepfels. The Schoepfels have filed counterclaims against HLG for legal malpractice, breach of fiduciary duty, and declaratory judgment due to, among other things, HLG’s inappropriate disclosure of confidential and privileged information. This appeal is from several orders of the circuit court denying motions related to HLG disseminating confidential and protected information. Mr. Hulsey and Ms. Durand previously represented the Schoepfels in certain litigation but were terminated for cause on March 8, 2024. Since that time, HLG has engaged in unethical and inappropriate conduct, including through issuing factually and legally meritless threats against their former clients, their former clients’ current counsel, and various third parties, and disseminating and disclosing the Schoepfels’ confidential and privileged information without the Schoepfels’ authorization or consent.

In the circuit court, the Schoepfels filed under seal HLG’s contract of representation and amendment thereto as exhibits to their Memorandum in Support of the Motion to Dismiss, as well

as the second affidavit of Michael J. Virzi in support of their motion for temporary injunction.¹ The Schoepfels also filed a redacted and unredacted Memorandum in Support of the Motion to Dismiss. The Schoepfels seek to keep these documents under seal in this Court to maintain their confidentiality by filing a sealed volume of the Record on Appeal and a redacted and unredacted brief.

Allowing the exhibits to be filed under seal is the only way to protect the information from disclosure. The underlying litigation is still ongoing, and disclosure of confidential and protected information will interfere with and impede the underlying litigation. Requiring the Schoepfels to publicly disclose confidential information involving the underlying contract of representation related to ongoing litigation in defense of a suit brought by their previous attorneys would cause irreparable harm to the Schoepfels. Sealing the exhibits best serves the public interest because the protection of the attorney-client relationship is vital. *See Wilson v. Preston*, 378 S.C. 348, 359, 662 S.E.2d 580, 585 (2008) (“The attorney-client privilege is based upon a public policy that the best interest of society is served by promoting a relationship between the attorney and the client whereby utmost confidence in the continuing secrecy of all confidential disclosures made by the client within the relationship is maintained.”). If the Confidential Information is not filed under seal and is disclosed publicly, it would further jeopardize the confidences the Schoepfels shared with their former attorneys, and would eviscerate the protections of the attorney-client privilege.

Third, the factors outlined in Rule 41.1(b) either weigh in favor of sealing the Confidential Information or are neutral.² As to the first factor, sealing the information is the only way to protect

¹ The sealed exhibits attached to the Memorandum in Support of the Motion to Dismiss total six pages and the sealed second affidavit of Mr. Virzi totals fourteen pages.

² The second factor—the need for witness cooperation—is neutral and does not weigh in favor or against sealing.

Appellants' confidential information so as to ensure a fair trial in the ancillary litigation. As to the third, fifth, and seventh factors, as noted above, the Confidential Information includes Appellants' confidential and privileged information, the protection of which is a paramount consideration. Litigants should not have to reveal their confidential information to defend themselves against a suit from their former attorneys, especially when the litigation the attorneys represented them in is still ongoing. As to the fourth factor, this lawsuit is a dispute between a law firm and its former clients; it does not have public or professional significance. Accordingly, granting the motion to seal will be inconsequential to the public. As to the sixth factor, for the reasons discussed above, alternatives other than sealing are not available to protect Appellants' legitimate interests in having the Confidential Information filed under seal. Appellants are only requesting the Court seal a limited number of exhibits that were sealed in the circuit court, and Appellants intend to redact limited portions of the brief that quotes the sealed information.

CONCLUSION

For the reasons set forth herein, Appellants respectfully request that the Court grant this motion and allow them to file the Confidential Information in a sealed volume of the record on appeal with a redacted brief.

(Signature page follows)

Respectfully submitted,

/s/ Shanon N. Peake

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PROOF OF SERVICE

I certify that a true copy of Appellants' Motion to Seal in this case has been served on the following, this 28th day of May, 2025, by emailing a copy to each attorney listed below using their primary email address listed in the Attorney Information System.

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