

The South Carolina Court of Appeals

MPC Harden, LLC. d/b/a 5 Points Saloon, Respondent,

v.

South Carolina Department of Revenue, Respondent,

and

Coley Frank Adams, Intervenor, Appellant.

Appellate Case No. 2026-000734

ORDER

On July 9, 2026, Respondent MPC Harden, LLC d/b/a 5 Points Saloon (Respondent MPC Harden) filed a motion to dismiss, arguing the appeal was moot because the challenged 2024-2026 liquor-by-the-drink license had been issued to Respondent MPC Harden by the South Carolina Department of Revenue and Respondent MPC Harden's 2026-2028 license had been renewed without protest. Appellant filed a return, opposing the motion. Respondent MPC Harden did not file a reply.

After careful consideration, Respondent MPC Harden's motion to dismiss is denied without prejudice to Respondent MPC Harden briefing mootness in its initial brief.

On June 19, 2026, Appellant filed a consent motion to seal financial records. However, the motion does not comply with Rule 41.1(b) of the South Carolina Rules of Civil Procedure, which requires the moving party to state the reasons why sealing is necessary, explain why less drastic alternatives to sealing will not afford adequate protection—particularly with respect to the deposition and transcript documents—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.

See also Ex parte Capital U-Drive-It, Inc., 369 S.C. 1, 12, 630 S.E.2d 464, 470 (2006). After careful consideration, Appellant's consent motion to seal is denied without prejudice.

Kush Curtis

J.

FOR THE COURT

Columbia, South Carolina

cc:

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FILED
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