

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 June 19, 2026, Appellant filed a consent motion to seal financial records. On August 12, 2026, this court denied Appellant's consent motion to seal without prejudice on the basis the motion did 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, and to address the factors discussed in *Ex parte Capital U-Drive-It, Inc.*, 369 S.C. 1, 12, 630 S.E.2d 464, 470 (2006). The court noted it would like an explanation regarding why there was no less drastic alternative to sealing the deposition and transcript documents.

On August 18, 2026, Respondent MPC Harden, LLC d/b/a 5 Points Saloon (Respondent MPC Harden) filed a motion to seal, explaining, in accordance with Rule 41.1(b), the necessity of sealing the sales reports, deposition transcript of Respondent MPC Harden's Rule 30(b)(6), SCRCP witness, and the transcript of the September 10, 2025 hearing.

After careful consideration, Respondent MPC Harden's motion to seal is granted. At the time the record on appeal is due to be filed, Appellant shall serve and file a record on appeal that includes the sales reports, deposition transcript of Respondent MPC Harden's Rule 30(b)(6), SCRCP witness, and the transcript of the

September 10, 2025 hearing wherein only the financial figures themselves are redacted. Appellant shall also file a supplemental record on appeal that contains an unredacted copy of the sales reports, deposition transcript of Respondent MPC Harden's Rule 30(b)(6), SCRCF witness, and the transcript of the September 10, 2025 hearing. Appellant shall also serve and file a redacted version of their appellate brief along with Form 21, Appendices to Part II, Appendix C of the South Carolina Appellate Court Rules.

Kristen Carter

J.

FOR THE COURT

Columbia, South Carolina

cc:

Richard A. Harpootlian, Esquire

Andrew R. Hand, Esquire

Jason Phillip Luther, Esquire

Dana Robert Krajack, Esquire

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FILED
Sep 25 2026