

The South Carolina Court of Appeals

Alison Morrett, Employee, Claimant, Appellant,

v.

Capital City Ambulance, of GA, Ltd., and Companion
Property and Casualty Group, Employer, Carrier,
Respondents.

Appellate Case No. 2012-212972

ORDER

Appellant moves to seal several filings in this appeal.¹ She asserts the filings describe personal and sensitive matters, including her history of medical and psychological treatment and sexual abuse she endured as a child.

Although there is no provision in the South Carolina Appellate Court Rules for sealing records in the appellate court, we have the inherent power to control our own records. *See Ex parte Capital U-Drive-It, Inc.*, 369 S.C. 1, 12, 630 S.E.2d 464, 470 (2006). When determining whether a record should be sealed to the public, the court must consider 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

¹ In her motion to seal, Appellant requested that this court seal all briefs and "the Record on Appeal Volumes 1, 2, and 3 as well as this motion."

not limited to, the public health and safety, is best served by sealing the documents.

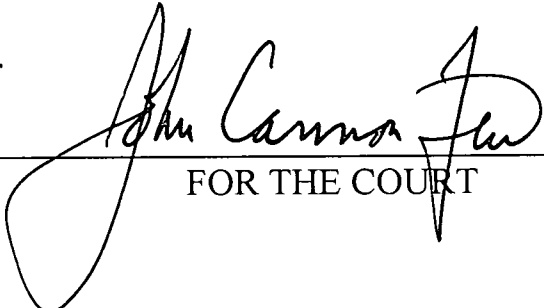
In addition, the court may consider (8) public interest in the proceeding; (9) the private or public status of the litigants and case generally; (10) whether release would enhance the public's understanding of an important historical event; (11) whether the public already has access to information contained in the records; (12) whether a particular decision will sustain or offend the fundamental interests of public access, and any other relevant factors.

Id.

After careful consideration of the factors listed, we find Appellant's interest in secrecy or privacy does not outweigh the presumption of access to court records. We therefore deny Appellant's motion to seal the record and other filings. *See id.* at 10, 630 S.E.2d at 469 ("Judicial proceedings and court records are presumptively open to the public . . ."); *id.* at 11, 630 S.E.2d at 470 ("A claim that a court file contains extremely personal, private, and confidential matters is generally insufficient to constitute a privacy interest warranting the sealing of the file." (quoting *Doe v. Heitler*, 26 P.3d 539, 544 (Colo. App. 2001))); *id.* ("Likewise, prospective injury to reputation, an inherent risk in almost every civil lawsuit, is generally insufficient to overcome the strong presumption in favor of public access to court records."); *id.* at 12, 630 S.E.2d at 470 ("The burden is on the party who seeks to overcome the presumption of access to show that the interest in secrecy outweighs the presumption.").

However, to address Appellant's concerns, the clerk of court is directed to mark the record on appeal (volumes 1, 2, 3, and the appendix) as non-public so that it cannot be accessed on the court's website.

AND IT IS SO ORDERED.



FOR THE COURT

Columbia, South Carolina

FILED
5/1/14

cc: Jack Bradley Baker, Esquire
Michael E. Chase, Esquire
Carmelo Barone Sammataro, Esquire