

The South Carolina Court of Appeals

Naert and DuBois, LLC, Appellant,

In the Matter of:

Anonymous Companies, Respondents,

v.

South Carolina Department of Labor, Licensing and
Regulation, and South Carolina Board of Real Estate
Commission.

Appellate Case No. 2014-000774

ORDER

Appellant appealed a March 18, 2014 order from the administrative law court (ALC), which reversed an order from the South Carolina Board of Real Estate Commission. As Appellant was not a party at the commencement of this action, this Court requested that Appellant provide this Court with the order addressing their motion to intervene before the ALC. In response, Appellant provided this Court with a letter addressed to Appellant from the ALC, which provided, "You are not a party to the case in question, nor are you a representative of a party." Pursuant to Rule 201(b), SCACR, "Only a *party* aggrieved by an order, judgment, sentence or decision may appeal." (emphasis added) Because Appellant was not a party below, this appeal is dismissed.

Respondents have filed a motion to seal the record.

In deciding whether to seal or unseal a [C]ourt record . . . the [C]ourt must consider the following factors, pursuant to . . . Rule 41.1, SCRCR: (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.

Ex parte Capital U-Drive-It, Inc. 369 S.C. 1, 12, 630 S.E.2d 464, 470 (2006). After considering the factors set forth in *Ex parte Capital U-Drive-It, Inc.*, Respondents' motion is denied. Finally, this Court declines to act on any further pending motions in this appeal.


FOR THE COURT

Columbia, South Carolina

cc:

Joseph DuBois, Esquire
Zachary Steven Naert, Esquire
Melina Mann, Esquire ✓
James Emerson Smith, Jr., Esquire
Nekki Shutt, Esquire
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FILED
SF 6/5/14