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STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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SC Court of Appeals

APPEAL FROM BEAUFORT COUNTY

COURT OF COMMON PLEAS

CARMEN T. MULLEN, JUDGE

CASE NO. 2012-CP-07-3746

APPELLATE CASE NO. 2014-000-827

Albert and Eileen
LaFleur.....

Appellants

v.

Coral Resorts, LLC, Hilton Head Hospitality, LLC d/b/a Hilton Head Guest Services,
Sunrise Vacation Properties, Ltd., Sherri J. Smith, Patrick Budnik, Stephen Deutsch,
Katherine Swisher, and Reba Management, Inc.....

Respondents

**APPELLANTS' REPLY TO RESPONDENTS' RETURN TO EAST COAST
NEWSPAPERS, INC.'S MOTION TO INTERVENE**

Joseph DuBois
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Zachary S. Naert
South Carolina Bar No. 78163
Naert and DuBois, LLC
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(843) 686-5500

ATTORNEYS FOR APPELLANTS
Albert and Eileen LaFleur

Appellants herewith submit their Reply to Respondents' Joint Return to East Coast Newspapers, Inc.'s Motion to Intervene.

Appellants re-iterate that the documents Respondents seek to seal are public documents, specifically (1) timeshare registration documents received by counsel for Appellants from the South Carolina Department of Labor, Licensing and Regulation pursuant to FOIA request and (2) Real Estate Commission hearing transcript received by counsel for Appellants anonymously and evidencing a proceeding deemed public multiple times, after careful consideration, by the tribunal holding said proceeding.¹ Subsequent contrary rulings as to the nature of these documents simply cannot convert said documents which are already in the possession of third parties from public to private, and Respondents' various efforts to do so, including their instant Motion to Seal, are improper and ill-motivated, insofar as Respondents seek to erase from the record of this case (1) the timeshare registration records filed with the South Carolina Real Estate Commission (such records terminating approximately eight years ago) and (2) the sworn testimony of Respondents' agents that Respondents failed to pay their timeshare registration renewal fees and otherwise update the Commission as to substantial changes made to their timeshare registrations beginning approximately eight years ago, such, of course, being in direct violation of the South Carolina Timeshare Act, which provides aggrieved timeshare purchasers with a private right of action to enforce violations of said Act.

¹ Further, as clearly indicated in such transcript, the Mayor of Hilton Head, an elected public official, was called by counsel for Respondents as a witness and thereafter provided sworn testimony in support of Respondents, such grounds alone requiring such transcript to remain in the public domain.

Further, as clearly indicated by Respondents' several references in their Return seeking the sealing of not only the above referenced documents themselves but also "any document or filing *containing any reference* to the documents sealed below" (emphasis added), the relief sought by Respondents' would have the practical effect of sealing the entirety of the record, insofar as every document filed may be expected to reference the subject documents, which form the basis for not only the appeal, but also the underlying action.

Respectfully submitted,

NAERT AND DUBOIS, LLC



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July __, 2014
Hilton Head Island, South Carolina

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Katherine Swisher, and Reba Management, Inc.....Respondents

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on July 7, 2014, in Hilton Head Island,
South Carolina, I served a copy of the Motion for Expedited Hearing by depositing the
same in the United States Mail, postage prepaid, and addressed as follows:

Jacquelin M. Pavlicek, Esquire
Nekki Shutt, Esquire
Kathleen McDaniel, Esquire
Callison Tighe & Robinson, LLC
P.O. Box 1390
Columbia, SC 29202

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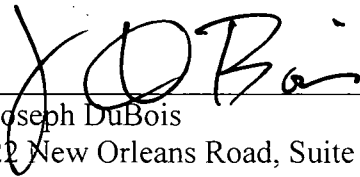
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SC Court of Appeals

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A handwritten signature in black ink, appearing to read 'J DuBois', is written over a horizontal line.

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July 7, 2014

Ms. Jenny Kitchings
Clerk of the South Carolina Court of Appeals
Post Office Box 11629
Columbia, SC 29211

Re: Albert R. LaFleur and Eileen LaFleur v. Coral Resorts, LLC et al
2014-000-827.

Dear Ms. Kitchings:

Please find enclosed for filing the original and six (6) copies of Appellants' Reply to Respondents' Joint Return to East Coast Newspapers, Inc.'s Motion to Intervene and Certificate of Service in the above referenced matter.

With kindest regards, I am,

Sincerely yours,



Joseph DuBois

Enclosures

Cc: Jacqueline M. Pavlicek, Esquire, Nekki Shutt, Esquire and Kathleen McDaniel, Esquire
Thornwell F. Sowell, III, Esquire and Bess DuRant, Esquire
Jay Bender, Esquire

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