

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM SPARTANBURG COUNTY
Court of Common Pleas

J. Derham Cole, Circuit Court Judge

Appellate Case No. 2015-000359
Case No. 2011-CP-42-3951

RECEIVED
AUG 10 2015
SC Court of Appeals

Dickie Shults Appellant,
Angela G. Miller Respondent.

Respondent's Return to Appellant's
Motion to Seal

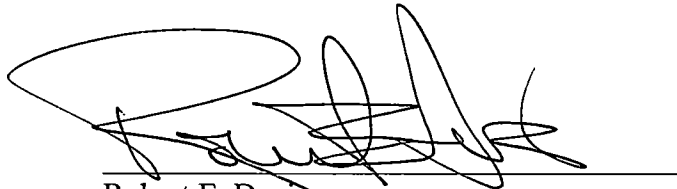
The only position that Respondent takes on Appellant's Motion to Seal is that the settlement documents that are the subject of the Motion are not confidential.

Appellant's current motion relates to a previously filed motion with this Court. Respondent had to move for this Court to compel Appellant to comply with Rule 210, SCACR, by filing a Record on Appeal that contains "all matter designated to be included by any party." Both Appellant and Respondent designated the entire transcript of the February 7, 2013 hearing from which Appellant filed this appeal to be included in the Record on Appeal. Without the consent of

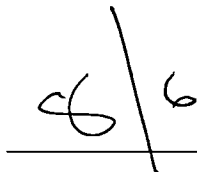
Respondent or this Court, Appellant unilaterally decided to redact from the Record on Appeal portions of Respondent's arguments to the trial court from the hearing.

Despite not having raised any such argument to the trial court, Appellant argued for the first time in response to Respondent's Motion that redacted portions of the arguments to the trial court involved a confidential settlement arising out of the same set of facts as this case. Appellant's argument forced Respondent to prove to this Court that settlements were not confidential by producing the actual agreements in Respondent's Reply Memorandum. The settlement agreements do not contain any confidentiality provisions and are clearly relevant to Respondent's Motion to refute Appellant's arguments that he could unilaterally redact portions of the Record on Appeal.¹

As for Appellant's request that the settlement agreements are not available to the public or online, Respondent takes no position provided this Court has access to them as they relate to Respondent's Motion.



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Attorney for Respondent

, 2015.

¹ These settlement agreements would have never been part of this Appeal had Appellant not made the unsupportable confidentiality argument.

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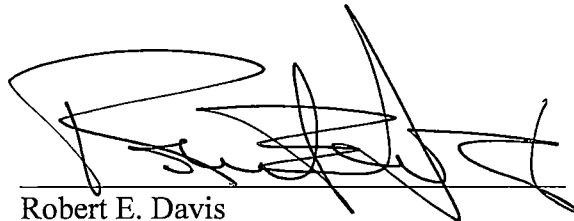
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PROOF OF SERVICE

I certify that I have served Respondent's Return to Appellant's Motion to Seal by US Mail, on August 6, 2015, addressed to Appellant's attorney of record, Samuel D. Harms, Harms Law Firm, PA, 33 Market Point Drive, Greenville, SC 29607.

August 6, 2015.



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