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AUG 11 2015  
SC Court of Appeals

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM CHARLESTON COUNTY  
CASE No. 2011- CP-10-1084  
Circuit Court Judge R. Markley Dennis, Jr.

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ROOSEVELT SIMMONS..... Appellant

Vs.

MASE and COMPANY, LLC,  
J. AL CANNON, JR.,  
CHARLESTON COUNTY SHERIFF'S DEPARTMENT,  
CHARLESTON COUNTY REVENUE COLLECTIONS DEPARTMENT  
and  
HARRY LONG..... Respondents

**APPELLANT'S RETURN TO  
COUNTY RESPONDENTS' MOTION  
FOR PROTECTIVE ORDER**

Appellant Roosevelt Simmons files this Return to the Motion of Respondents Al Cannon, Jr., Charleston County Sheriff's Department, Charleston County Revenue Collections Department and Harry Long (County Respondents) for a Protective Order with respect to certain "Confidential Material" consisting of the Personnel File of Respondent Harry Long. See Exhibit A to County Respondents' Motion at Para. 2. The purpose of this Return is to clarify and confirm the prior agreement of Counsel for Appellant and County Respondents as to the implementation of the Protective Order.

The procedure described by the original Consent Protective Order which was entered while the case was in federal court was to mark the documents containing the Confidential Material as being "Under Seal". See Exhibit A to County Respondents' Motion, Para. 8. However, County Respondents' Motion refers to the filing of "redacted briefs" before this Court. Motion at page ii. Appellant respectfully objects to such a procedure because it would be unnecessary to accomplish the purpose of the Protective Order, would further delay the perfection of the appeal and would involve additional expense to Appellant for Counsel to make redactions. The following facts pertain to these objections.

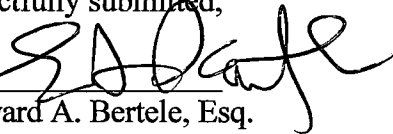
All Initial Briefs have been filed. Moreover, both Appellant and County Respondents have filed two sets of Initial briefs due to the Court's denial of their respective motions to file overlength Initial Briefs. Appellant's Reply Brief has been filed with a motion for leave to file an overlength Reply Brief which is pending. The parties have agreed on the contents of the Record on Appeal which has been sent to the printer for duplication. If the Court were to require the parties to redact the Confidential Material from the Initial Briefs, further delay would result. The redaction would involve a not insubstantial part of the Initial Briefs because the " Confidential Material " is relevant to the Fourth and Fifth Counts of the Second Amended Complaint which were dismissed on summary judgment. Also if the Initial Briefs are redacted, then the Record on Appeal would also have to be redacted involving further time and expense to eliminate the "Confidential Material" from the Record on Appeal.

Appellant contends that the Consent Protective order does not require any redaction and that no purpose would be served by requiring the parties to redact any Initial Briefs. Appellant respectfully urges this Court to enter an appropriate Order requiring only that the parties file the Final Briefs and Record on Appeal which contain reference to the

“Confidential Material” by marking it “Under Seal”. That will prevent it from being subject to public disclosure. The Court should not require any redactions.

Prior to filing this Return, Counsel has conferred with County Respondents’ Counsel who has agreed with this proposed resolution to implement the Protective Order on appeal.

Respectfully submitted,

By: 

Edward A. Bertele, Esq.

S.C. Bar No 72521

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Attorney for Appellant, Roosevelt Simmons

Dated: August 7, 2015  
Charleston, SC

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CERTIFICATION OF SERVICE

I hereby certify that a true copy of the Appellant's Return to County Respondents' Motion for Protective Order was served upon the Respondents attorneys, Christopher Dorsel, Esq. and Wendy Keefer, Esq. by regular mail postage prepaid at their last known mailing address.

  
Edward A. Bertele, Esq.

August 7, 2015