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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

NOV 02 2015
SC Court of Appeals

R. Markley Dennis, Jr., Circuit Court Judge

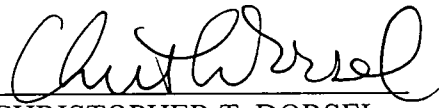
Case No.: 2014-002575

ROOSEVELT SIMMONS,Appellant,

v.

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

MOTION TO SEAL AND MOTION TO STAY

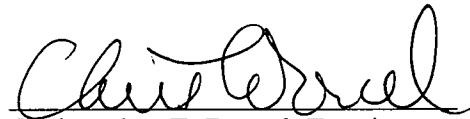

CHRISTOPHER T. DORSEL
Senn Legal, LLC
P.O. Box 12279
Charleston, SC 29422
(843) 556-4045
Attorney for Respondents J. Al
Cannon, Jr., Charleston County
Sheriff's Dept., Charleston County,
Charleston County Revenue Collections
Dept., and Harry Long

NOW COME the Respondents J. Al Cannon, Jr., Charleston County Sheriff's Dept., Charleston County Revenue Collections Dept., and Harry Long (hereinafter, "Moving Respondents") by and through their counsel, moving to seal appellate court filings in this case in order to comply with a Consent Protective Order previously filed on September 21, 2011, in the United States District Court for the District of South Carolina (hereinafter, "Federal Order") (Attachment A). The Federal Order allowed the parties to designate certain materials as confidential. Paragraph 8 of the Federal Order provides for filing of documents that contain reference to confidential materials produced during the course of discovery. The Federal Order directs the parties to file any documents "containing, quoting or summarizing such 'Confidential Material'" under seal. Although the current case is no longer in federal court, the Federal Order has not been withdrawn and the parties complied with the Federal Order during the pendency of this case in Circuit Court.

During the course of discovery, documents from Defendant Long's personnel file were produced and designated as "Confidential Material" pursuant to the Federal Order. The Record on Appeal and the Final Briefs contain this designated confidential material or reference to such material, and the Moving Defendants seek to seal the Record on Appeal as well as the Final Briefs in this case. The reason sealing is necessary is to comply with the Federal Order and sealing the entire document would be a less drastic measure than requiring the parties to provide the court with the required number of copies in both a redacted form and an original form.

As this motion impacts how the Final Briefs and Record on Appeal will be filed, the Moving Defendants also request that the Court stay all deadlines for filing of the Final Briefs and the Record on Appeal until the current Motion to Seal is decided.

Respectfully submitted,



Christopher T. Dorsel, Esquire
Senn Legal, LLC
3 Wesley Drive
Charleston, SC 29422

Attorney for Respondents J. Al Cannon, Jr.,
Charleston County Sheriff's Dept.,
Charleston County, Charleston County
Revenue Collections Dept., and Harry Long

October 28, 2015
Charleston, South Carolina

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

RECEIVED
U.S. DISTRICT COURT DISTRICT OF SOUTH CAROLINA
2011 SEP 21 P 3:04

ROOSEVELT SIMMONS,

Plaintiff,

v.

MASE and COMPANY, LLC, J. AL
CANNON, JR., SHERIFF OF
CHARLESTON COUNTY and
CHARLESTON COUNTY,

Defendants.

CIVIL ACTION NO.: 2:11-cv-00709-RMG

CONSENT PROTECTIVE ORDER

NOW COME the the Defendants, J. Al Cannon, Jr., Sheriff of Charleston County and Charleston County, ("Defendants"), Plaintiff, and Mase and Company, LLC, ("co-Defendant"), by and through their counsel, and for and upon the stipulation of the undersigned parties:

IT IS HEREBY ORDERED:

1. Any material designated as "Confidential Material" under this Protective Order, to the extent that it is disclosed by the Defendants including former and present officers of the Charleston County Sheriff's Office or employees of Charleston County given, or produced by Defendants during the pendency of this action, shall not be used or disclosed by any person or entity bound hereby other than as set forth in this Protective Order.
2. "Confidential Material" for the purposes of this Order, shall include the personnel files of the Defendants' employees.
3. Access to "Confidential Material" shall be restricted to Defendants and its agents, counsel for Defendants and immediate staff, plaintiff, counsel for Plaintiff and his immediate staff, co-Defendant, counsel for co-Defendant and her immediate staff, experts retained by any party, any judicial officer of the court and members of his/her staff, and any court reporters at any proceedings in this action (court, deposition or otherwise), shall also have access to "Confidential Material."



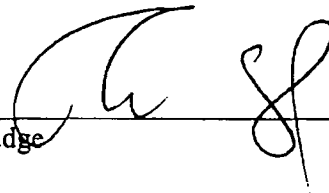
4. Experts retained by Plaintiff, Defendants, and co-Defendant may receive "Confidential Material" only if the "Confidential Material" is directly related to or concerns the reason for which the experts were retained, and only if such expert first agrees in writing to be bound by the terms of this Consent Protective Order.
5. Persons receiving "Confidential Material" shall use such "Confidential Material" only for the purposes of the prosecution and/or defense of this action, and for any appeal thereof, and for no other purpose, and no person receiving "Confidential Material" shall disclose such "Confidential Material" to any person other than those described in Paragraph 3 herein.
6. If any party bound by the terms of this Consent Protective Order wishes to disclose "Confidential Material" beyond the terms of this Consent Protective Order, that party shall provide the other party with reasonable notice of its intent to so disclose such "Confidential Material." If the parties cannot resolve their disagreement with respect to the propriety of disclosing such "Confidential Material" the party who wishes to disclose such "Confidential Material" shall apply to the Court for a determination of that issue. Unless and until otherwise ordered by the Court or agreed by the parties, all "Confidential Material" shall be subject to the restrictions of this Consent Protective Order.
7. The restrictions regarding the custody of the "Confidential Material" subject to the protection of this Consent Protective Order and the restrictions regarding the disclosure of "Confidential Material" contained herein also apply with equal force and effect to any excerpts, analyses or summaries of such "Confidential Material" or the information contained herein.
8. No "Confidential Material" and no brief, memorandum, deposition transcripts, affidavits or other papers containing, quoting or summarizing such "Confidential Material" shall be filed with the Court by the parties respective counsel unless the parties' respective counsel seals the documents in an envelope to which has been affixed the case caption and the title page whereof with the notation "Sealed Document -- To Be Filed Under Seal Pursuant To Protective Order." It is the responsibility of counsel filing such papers to file them under seal.

9. This Consent Protective Order does not restrict the parties from referring to "Confidential Material" on a categorized basis or from courtesy copies of the "Confidential Material" to the presiding judge (as long as the documents are labeled or otherwise identified as confidential).
10. At a subsequent pretrial conference, the Court will issue an appropriate order governing the use of "Confidential Material" at trial.
11. Upon conclusion of the litigation in this case, the party receiving "Confidential Material" shall return all originals and copies of the "Confidential Material" in their possession, custody or control to the party producing the "Confidential Material."
12. This Consent Protective Order shall have no evidentiary value and shall not be admissible into evidence.
13. Any person violating this Protective Order will be subject to appropriate sanctions.

This 21st day of September, 2011.

AND IT IS SO ORDERED!

Judge



THE STATE OF SOUTH CAROLINA
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COUNTY SHERIFF'S DEPT.,
CHARLESTON COUNTY REVENUE
COLLECTIONS DEPT., and HARRY
LONG,.....Respondents.

**RESPONDENTS J. AL CANNON, JR., CHARLESTON COUNTY
SHERIFF'S DEPT., CHARLESTON COUNTY REVENUE COLLECTIONS
DEPT., and HARRY LONG'S PROOF OF SERVICE**

I certify that I have served copies of Respondents J. Al Cannon, Jr., Charleston County Sheriff's Dept., Charleston County Revenue Collections Dept., and Harry Long's *Motion to Seal* by depositing a copy of each in the United States Mail, postage prepaid, on October 28th, 2015 addressed to attorneys of record Edward A. Bertele, 1812 Pierce Street, Charleston, South Carolina 29492 and Wendy J. Keefer, Keefer & Keefer, LLC, 1643B Savannah Highway, Suite 226, Charleston, South Carolina 29492.



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Harry Long



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chris@sennlegal.com

October 28, 2015

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, SC 29211

RE: *Simmons v. Mase and Co. LLC et al.*
Appellate Case No. 2014-002575

Dear Ms. Kitchings:

Enclosed for filing, and for the Court's consideration on behalf of Respondents J. Al Cannon, Jr., Charleston County Sheriff's Dept., Charleston County Revenue Collections Dept., and Harry Long, please find an original and six copies of (1) a Motion to Seal; and (2) Proof of Service. We have also included a firm check (#18095) in the amount of \$25.00 attendant to this request.

Please file the originals and return file-stamped copies to me in the self-addressed, stamped envelope enclosed for your convenience. If you should have any questions, please do not hesitate to contact me.

With kind regards, I remain,

Sincerely,

Christopher T. Dorsel

llc

Enclosure: As listed

cc: (via email and first class mail)

Wendy J. Keefer
Edward A. Bertele