

THE STATE OF SOUTH CAROLINA
In The Supreme Court

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MAR 29 2016

APPEAL FROM THE COURT OF APPEALS

SC SUPREME COURT

Appellate Case No.: 2016-000328

Petitioner,
Appellant,

Laurens Pediatric Clinic,
v.
South Carolina Department of Health and Human Services, Respondent.

RETURN TO APPELLANT'S MOTION TO SEAL DOCUMENTS IN RECORD

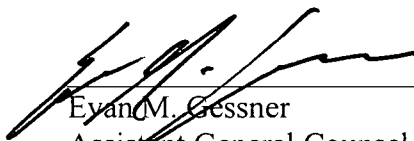
COMES NOW the Respondent in this matter, the South Carolina Department of Health and Human Services, by and through its undersigned counsel of record, and respectfully submits the following Return to Appellant's Motion to Seal Documents in Record.

Appellant, in its Motion, states a concern regarding private health information (PHI) contained in the record. While Respondent does understand and appreciate Appellant's concerns, Respondent does not believe that the need for secrecy here outweighs the presumption of openness of appellate proceedings. *See Ex parte Capital U-Drive-It, Inc.*, 369 S.C. 1, 630 S.E.2d 464 (2006); *Davis v. Jennings*, 304 S.C. 502, 405 S.E.2d 601 (1991). Typically, this should result in a Motion to Seal being denied. Respondent believes the appropriate course of action here would be to redact any confidential information from documents submitted on appeal. Unfortunately, it appears that the Appendix to Appellant's Petition for Writ of Certiorari is out of compliance with this Court's Interim Guidance Regarding Personal Data Identifiers and Other Sensitive Information in Appellate Court. 375 S.C. 56, 650 S.E.2d 462 (2007). Out of an overabundance of caution and a

desire to protect the confidential information of several Medicaid beneficiaries, Respondent consents to Appellant's Appendix being sent back and refiled with appropriate redactions within a reasonable timeframe.

Consequently, and for the reasons stated herein, Respondent believes that Appellant's Motion to Seal Documents in Record should be denied.

Respectfully submitted,



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March 24, 2016

Columbia, South Carolina

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APPEAL FROM THE COURT OF APPEALS

S.C. SUPREME COURT

Appellate Case No.: 2016-000328

Laurens Pediatric Clinic,

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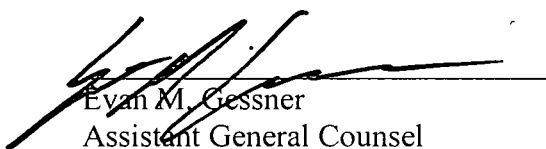
v.

South Carolina Department of Health and Human Services, Respondent.

PROOF OF SERVICE

I certify that I have served the Return to Appellant's Motion to Seal Documents in Record on Nilsa I. Nazario, MD, FAAP, by depositing a copy of it in the United States Mail, postage prepaid, on March 24, 2016, addressed to Nilsa I. Nazario, MD, FAAP, Laurens Pediatric Clinic, Post Office Box 1367, Laurens, South Carolina, 29360.

March 24, 2016



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