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May 5, 2016

**RECEIVED**

MAY 09 2016

**SC Court of Appeals**

Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeal  
P.O. Box 11629  
Columbia, South Carolina 29211

Re: John Roe v. South Carolina Department of Social Services  
Case No: 2014-CP-23-04140

Dear Ms. Kitchings:

I received a telephone call from Elizabeth Carter concerning the Notice of Appeal that we previously filed with your office. Per Ms. Carter's request, I am enclosing an identical Notice of Appeal with the two referenced Orders attached.

By way of background, this appeal involves an interpretation of various South Carolina statutes protecting the records of minors and the ordered production of these confidential records for minors that are not a party to this case. Furthermore, these records deal with allegations of sexual abuse. As set forth in Justice Toal's treatise on appellate practice in South Carolina, "if an order requires a party to turn over documents, which the party feels are privileged or contain proprietary or confidential matters, compliance with the order without the ability to seek immediate appeal renders the protections afforded by the privilege or confidentiality a nullity." Appellate Practice in South Carolina, Justice Toal, Chapter 4: Appealability of Judgments & Orders, Page 101.

I appreciate your office contacting me and if you require any additional information, please let me know.

Thank you for your assistance. With kind regards, I remain

Yours Very Truly,

LOGAN, JOLLY & SMITH, LLP

A handwritten signature in black ink, appearing to read "Michael T. Smith". The signature is written in a cursive, flowing style.

Michael T. Smith

MTS/mek  
Enclosures

cc: Heather Stone, Esquire w/e  
Robert J. Butcher, Esquire w/e  
The Honorable Paul B. Wickensimer w/e

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THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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SC Court of Appeals

APPEAL FROM GREENVILLE COUNTY  
Court of Common Pleas

Paul M. Burch, Circuit Court Judge

Case No. 2014-CP-23-04140

~~Handwritten mark~~

John Roe, ..... Respondent,  
v.  
South Carolina Department of Social Services, ..... Appellant.

NOTICE OF APPEAL

South Carolina Department of Social Services appeals the Order of the Honorable Paul M. Burch dated February 16, 2016. South Carolina Department of Social Services filed a timely Motion to Reconsider which was denied by Judge Burch on April 4, 2016 and received by Appellant on April 7, 2016. South Carolina Department of Social Services appeals both Orders.

April 28, 2016

*Michael T. Smith*  
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Attorneys for Respondent

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM GREENVILLE COUNTY  
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Paul M. Burch, Circuit Court Judge

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South Carolina Department of Social Services, ..... Appellant.

CERTIFICATE OF SERVICE


The undersigned hereby certifies that a copy of the Notice of Appeal was served by first class mail, postage prepaid this 28<sup>th</sup> day of April, 2016, upon the following:

The Honorable Paul B. Wickensimer  
Greenville County Clerk of Court  
305 E. North Street  
Greenville, SC 29601

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April 28, 2016



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