

THE STATE OF SOUTH CAROLINA  
In The Supreme Court

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SEP 20 2016

APPEAL FROM BEAUFORT COUNTY  
Court of Common Pleas

S.C. SUPREME COURT

Michael G. Nettles, Circuit Court Judge

Appellate Case No. 2016-000455

DomainsNewMedia.com, LLC, ..... Respondent,

v.

Hilton Head Island-Bluffton  
Chamber of Commerce, ..... Appellant.

**UNOPPOSED MOTION FOR LEAVE TO FILE  
AMICUS CURIAE BRIEF OF THE MYRTLE BEACH AREA  
CHAMBER OF COMMERCE IN SUPPORT OF APPELLANT**

Pursuant to South Carolina Appellate Court Rule 213, the Myrtle Beach Area Chamber of Commerce (the "Myrtle Beach Chamber") moves for leave of the Court to file a brief as *amicus curiae*. As permitted by Rule 213, SCACR, the Myrtle Beach Chamber files its amicus brief conditionally herein.

The Myrtle Beach Chamber is a membership organization supported by more than 2,700 businesses and nonprofit organizations. Its members include retailers, restaurants, hotels, professionals, service businesses, property owners, civic organizations, and concerned members of the community. The common

thread of the Myrtle Beach Chambers' members is that they care about business. Through the Myrtle Beach Chamber, these organizations, and the individuals representing them, join together for the purpose of promoting the civic and economic progress of our community.

The Myrtle Beach Chamber of Commerce encompasses convention and visitor bureau functions. Like the Appellant in this case, the Myrtle Beach Chamber provides services to local governments as a designated marketing organization (DMO) under S.C. Code Ann. § 6-4-10(3) (2003 & Supp. 2015). Consequently, it is directly concerned with the issues raised in this litigation.

The Myrtle Beach Chamber is no foe of open government but rather recognizes that the public is vitally concerned (and rightfully so) with openness and transparency in the administration of the State's tax dollars. It concurs wholeheartedly in the General Assembly's finding, in the South Carolina Freedom of Information Act, "that it is vital in a democratic society that public business be performed in an open an public manner." S.C. Code Ann. § 30-4-15 (2007). and for this reason it voluntarily provides free public access to all aspects of its work as a DMO.

As explained in its brief of *amicus curiae*, however, the Myrtle Beach Chamber believes that openness and transparency can, and should, be achieved without subjecting private entities like a chamber of commerce to the FOIA. The analysis contained in the *amicus* brief, which is informed by the Myrtle Beach Chamber's direct knowledge and experience as a DMO, is intended to aid the

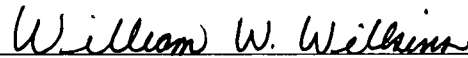
Court as it considers and resolves the issues presented by this appeal.

Prior to filing this motion and the accompanying *amicus* brief, the Myrtle Beach Chamber consulted with counsel for both parties, and is authorized to state the following:

- Appellant Hilton Head Island-Bluffton Chamber of Commerce consents to the filing of the brief of *amicus curiae*; and
- Respondent DomainsNewMedia.com, LLC, will oppose the substantive grounds raised in the brief of *amicus curiae* but consents to the Myrtle Beach Chamber's submission of the brief.

For the reasons set forth above, the Myrtle Beach Chamber respectfully asks that it be granted leave to file its brief of *amicus curiae*.

Respectfully submitted,



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September 16, 2016  
Greenville, South Carolina

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PROOF OF SERVICE

The undersigned certifies that on this, the 16th day of September, 2016, she served a copy of the foregoing **Unopposed Motion for Leave To File Amicus Curiae Brief of the Myrtle Beach Area Chamber of Commerce in Support of Appellant** on counsel for the parties via electronic mail and via United States Mail, postage prepaid, addressed as follows:

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