

January 12, 2017

**Via E-Mail and U.S. Mail**

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Re: Peter J. Wellin, Cynthia Wellin Plum, and Marjorie Wellin King v. Keith S. Wellin  
C/A No. No. 2014-CP-10-4336  
Appellate Case No. 2016-001141  
HLF File No. 528.000

Dear Counselors:

As the Court of Appeals advised in its initial letter of June 9, 2016; the Supreme Court of South Carolina has a standing order Re: Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings, filed April 15, 2014. (A copy is attached for your easy reference.) After receipt and review of your Record on Appeal in the process of preparing our final brief, it appears to us that a number of matters were not redacted as required by the Order, namely:

ROA Vol. 1

- p. 159 – partial social security number; date of birth
- p. 160 – date of birth
- pp. 160-63 – home address of nonparty
- p. 283 – partial social security number; date of birth
- p. 284 – home address of nonparty(s)

ROA Vol. 2

- p. 406 – tax identification number
- p. 414 – home address of nonparty
- p. 424 – home address of nonparty
- p. 430 – home address of nonparty
- p. 592 – bank account number
- p. 595 – bank account number

ROA Vol. 3

- p. 1122 – home address of nonparty
- p. 1123 – home address of nonparty

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JAN 17 2017  
SC Court of Appeals

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Page Two  
January 12, 2017

The redactions do not affect our preparation of Respondents' final brief which is due on or before January 24, 2017, but we would ask that you please take the necessary steps to make these corrections as soon as possible so that we do not have to make a formal motion for correction.

In the meanwhile, since the ROA has already been posted publicly on the Court's c-track, we have notified the Court of Appeals about the process of protecting this information while you make arrangements for corrections to be made. The docket clerk, Jessica, advised that she would make the ROA nonpublic until corrections are made. It is not necessary to send us a new set of redacted ROA volumes, but please advise when you have made the corrections. Thank you for your cooperation and attention to this matter.

Kind regards,

Yours truly,

  
James B. Hood

JBH/spc

Enclosure(s)

cc: ✓ Jenny Abbott Kitchings, Clerk South Carolina Court of Appeals [*Via U.S. Mail*]  
Tiffany N. Provence, Esquire [*Via E-Mail*]  
Edward G. R. Bennett, Esquire [*Via E-Mail*]

2014-04-15-02

# The Supreme Court of South Carolina

Re: Revised Order Concerning Personal Identifying Information and Other  
Sensitive Information in Appellate Court Filings

Appellate Case No. 2013-002681

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ORDER

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**SC Court of Appeals**

On August 13, 2007, this Court issued an interim Order concerning the use of personal data identifiers in documents filed in the Supreme Court and the Court of Appeals (appellate court). In the Order, the Court noted that, under the Federal Constitution, our State Constitution, and our common law, court records are presumptively open to the public. The Court also observed the electronic availability of documents filed in the appellate court raised significant privacy concerns for parties in appeals. Since that time, the appellate court has created and implemented the South Carolina Appellate Case Management System. This system currently allows the public to view documents filed in appeals in limited types of civil appeals via the internet. Furthermore, the General Assembly has enacted legislation specifically prohibiting parties from filing documents containing certain personal identifying information. See S.C. Code Ann. § 30-2-330(A).

We reiterate that parties shall not include, or will partially redact where inclusion is necessary, personal identifying information from documents filed with the appellate court.[1] Documents filed in the appellate court shall not include the following:

1. Social Security Numbers, Taxpayer Identification Numbers, Driver's License Numbers, Passport Numbers or any other Personal Identifying Numbers. If it is necessary to include personal identifying numbers in a

document, the parties should utilize some other identifier. Parties shall not include any portion of a social security number in a filing.

2. Names of Minor Children. If a minor is the victim of a sexual assault or the victim in an abuse or neglect case, the minor's name must be completely redacted and a term such as "victim" or "child" should be used. In all other cases, the minor's first name and first initial of the last name (i.e., John S.), or only the minor's initials (i.e., J.S.) should be used.

3. Financial Account Numbers, including any type of Bank Account Numbers, Personal Identification Number (PIN) Code, or Passwords. If financial account numbers are relevant, only the last four digits of these numbers should be used.

4. Home Addresses of minors, sexual assault and abuse and neglect victims, and non-parties. If a home address of a minor, sexual assault victim, or non-party must be included, only the city and state should be used.

5. Date of Birth. If a date of birth must be included, only the year of birth should be included.

If the caption of the case contains any of the personal data identifiers listed above, the parties should file a motion to amend the caption to redact the identifier. This should be done contemporaneously with the filing of the notice of appeal or the commencement of the case with the appellate court. Without a motion to the appellate court, the caption of a juvenile delinquency matter from the family court shall be redacted to only use the juvenile's first name and first letter of the juvenile's last name (i.e., In the Interest of John S., a Juvenile.)

A party seeking to seal material beyond those personal identifiers listed above must file a motion to seal with the appellate court in which the matter is pending. This is true even if the lower court or administrative tribunal may have issued an order sealing the record. Until the motion is ruled on, the clerk of the appellate court shall treat the material as if it is sealed. Parties and counsel are reminded that the standard established in *Ex parte Capital U-Drive-It, Inc.*, 369 S.C. 1, 630 S.E.2d 464 (2006), and *Davis v. Jennings*, 304 S.C. 502, 405 S.E.2d 601 (1991), must be met before any request to seal all or a portion of a record will be granted. Once sealed by order of an appellate court, the materials will remain sealed before the appellate courts unless otherwise ordered by the appellate court in which the matter is pending.

A filing that contains redacted information may be filed together with a confidential reference list that identifies each item of redacted information and specifies an appropriate identifier that uniquely corresponds to each item listed. This list must be filed confidentially and may be amended as of right. The confidential reference list shall not be made available to the public and may only be viewed by the parties and the appellate court and staff. Any reference in the case to a listed identifier will be construed to refer to the corresponding item of information. No order of the court is required to file a reference list.

Parties should also exercise caution in including other sensitive personal data in their filings, such as personal identifying numbers, medical records, employment history, individual financial information, proprietary or trade secret information, information regarding an individual's cooperation with the government, information regarding the victim of any criminal activity, or national security information.

Attorneys are expected to discuss this matter with their clients so that an informed decision can be made about the inclusion of sensitive information. The appellate courts and their staff will not review filings for redaction or to determine if materials should be sealed; the responsibility for ensuring that information is redacted or sealed rests with counsel and the parties.

s/Jean H. Toal C.J.

s/Costa M. Pleicones J.

s/Donald W. Beatty J.

s/John W. Kittredge J.

s/Kaye G. Hearn J.

Columbia, South Carolina  
April 15, 2014

[1] We also reiterate that the restriction shall not apply when this information is required or requested by the appellate court. For example, the application for

admission to practice law under Rule 402, SCACR, requires many of these personal identifiers to be disclosed. This information will remain private.

# HOOD LAW FIRM LLC

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FIRST-CLASS MAIL  
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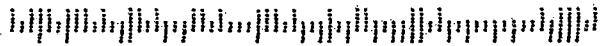
**Jenny Abbott Kitchings**  
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