

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Diane Goodstein, Circuit Court Judge

Case No. 2012-CP-10-7594
Appellate Case No. 2018-001230

RECEIVED
AUG 15 2019
SC Court of Appeals

One Belle Hall Property Owners Association, Inc., and
Marvin T. Meek and Francis E. Hill, individually and
on behalf of all others similarly situated,.....

Respondents,

v.

Builders FirstSource-Southeast Group, LLC,

Appellant.

Motion to Seal

Pursuant to Rule 240 of the South Carolina Appellate Court Rules, Builders FirstSource, Appellant ("Builders"), with the consent of Respondents One Belle Hall Property Owners Association, Inc., and Marvin T. Meek and Francis E. Hill, individually and on behalf of all others similarly situated, file this motion to file Volume 12 of the Record on Appeal under seal. Volume 12 contains confidential settlement agreements between Respondents and multiple parties who were defendants in this matter in the trial court, but settled prior to trial. The settlement agreements are private agreements and are not court approved nor required to be court-approved. The settlement agreements were produced in confidence per the oral order of Judge Goodstein in the underlying case. See Record on Appeal, pp. 869-73.

Filing under seal will give the Court access to the information necessary to decide the issues presented while also offering protection to the parties to the private settlements. Therefore, this Court should grant this motion and order that Volume XII of the Record on Appeal containing the underlying settlement agreements in this matter may be filed under sealed.

Ex Parte Capital U-Drive It, Inc., 369 S.C. 1, 630 S.E.2d 464 (2006) sets forth twelve factors to be considered for filing under seal. Id., 369 S.C. at 12, 360 S.E.2d at 470. Though not all are specifically applicable in this situation, a majority of these factors weigh in favor of filing under seal in this matter and against the public right to access the confidential and sensitive information in the settlement agreements.

First, filing under seal will allow the parties to this appeal to have a fair hearing. Information will be protected from potential abuse while allowing the issues on appeal to receive full and fair consideration by this Court.

Second, the underlying parties to these private settlement agreements have an expectation of confidentiality in this matter.

Third, there is no public or professional significance to the proceedings. This is a business dispute unique to those involved.

Fourth, the public interest will, in fact, be best served by allowing filing under seal. To the extent these private, non court-approved settlements contain personal or sensitive information, such information will be protected from exposure in the public domain.

Fifth, no other alternatives to filing under seal exist.

Sixth, the litigants in this matter are private figures and are not of public note or significance.

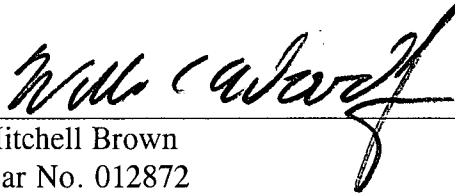
Seventh, the release of this information will not enhance the public's understanding of a historical event. In fact, the contrary is true—this is merely a private business dispute.

Conclusion

Based on the above, this Court should grant this motion for Volume XII of the Record on Appeal containing the private settlement agreements in this matter to be sealed.

NELSON MULLINS RILEY & SCARBOROUGH LLP

By:



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PROOF OF SERVICE

I, the undersigned paralegal of the law offices of Nelson Mullins Riley & Scarborough
LLP, attorneys for Builders FirstSource Southeast Group LLC, do hereby certify that I have
served all counsel in this action with a copy of the pleading(s) hereinbelow specified to the
following address(es):

Pleadings: Motion to Seal

Counsel Served:

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August 15, 2019



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August 15, 2019

Hand Delivered

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
1220 Senate Street
Columbia, SC 29201

RECEIVED
AUG 15 2019
SC Court of Appeals

RE: One Bell Hall Property Owners Association Inc., et al. v. Builders
FirstSource -- Southeast Group, LLC
Civil Action No. 2012-CP-10-07594
Appellate Case No. 2018-001230
Our File No. 00350/01800

Dear Ms. Kitchings:

Enclosed for filing are the originals and 8 copies each of Appellant's Final Brief, Final Reply Brief and the Record on Appeal Vols 1-12 in the above matter.

Additionally, enclosed for filing is the original and 7 copies of a Motion to File Vol XII of the Record on Appeal Under Seal. Pending the Court's decision, we have included Volume XII of the Record in sealed envelopes. Also enclosed is our check for the motions fee. Please return filed copies of each of the above via our courier.

By copy of this letter, we are serving all counsel with copies of Appellant's Final Briefs and the Motion to File Under Seal.

Sincerely,

William C. Wood, Jr.

WCWJR:mk

The Honorable Jenny Abbott Kitchings
August 15, 2019
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Enclosures

cc: Justin Lucey, Esquire
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