

November 25, 2020

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NOV 30 2020
SC Court of Appeals

Ann Easley Bryant
P.O. Box 1782
Columbus, NM 88029

Court of Appeals
1220 Senate St.
Columbia, SC 29201

RE Appeal of Court of Common Pleas
Case # 2020-CF-400-1902

Dear Clerk of Court of Appeals,
The enclosed copy of the order to Seal Records should have accompanied the Notice of Appeal, I believe.
I hope that this is not too late, considering "Covid 19", also my other brother Preston Easley is also suing me in Los Angeles regarding my daughter, Laureana Easley. I had to drive to Los Angeles from Kentucky for a hearing (request to renew Res. Order against me) on November 23rd. The hearing was continued to December 16.

I will request transcripts and send them forthwith.

Thank you.

Sincerely,

Ann Easley Bryant

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND
IN THE COURT OF COMMON PLEAS

CASE NUMBER: 2020CP4001902

Paige M Easley
Macrina Easley
PLAINTIFF(S)

Ann Easley
Ann Bryant
DEFENDANT(S)

Submitted by: _____ Attorney for : Plaintiff Defendant or Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON):** Rule 12(b), SCRPC; Rule 41(a), SCRPC (Vol. Non-Suit); Rule 43(k), SCRPC (Settled); Other _____
- ACTION STRICKEN (CHECK REASON):** Rule 40(j), SCRPC; Bankruptcy; Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; Other _____
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):** Affirmed; Reversed; Remanded; Other _____

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order (formal order to follow) Statement of Judgment by the Court:

ORDER INFORMATION

This order ends does not end the case.
Additional Information for the Clerk :

INFORMATION FOR THE PUBLIC INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled
		\$
		\$
		\$

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. **Note: Title abstractors and researchers should refer to the official court order for judgment details.**

Circuit Court Judge _____ Judge Code _____ Date _____

For Clerk of Court Office Use Only

This judgment was entered on the _____ day of _____, 20____ and a copy mailed first class or placed in the appropriate attorney's box on this 7 October 2020 to attorneys of record or to parties (when appearing pro se) as follows:

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NOV 30 2020

Taylor Anthony Peace

Ann Easley

SC Court of Appeals

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Court Reporter _____

Clerk of Court _____

Jeanette W. McBride

STATE OF SOUTH CAROLINA)

IN THE COURT OF COMMON PLEAS

COUNTY OF RICHLAND)

CIVIL ACTION NO.: 2020-CP-40- 01902

Paige M. Easley a/k/a Paige Easley and)
Macrina Easley,)

Plaintiffs,)

vs.)

Ann Easley a/k/a Ann Bryant,)

Defendant)

ORDER GRANTING
MOTION TO SEAL

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NOV 30 2020

SC Court of Appeals

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JEWELL W. MCBRIDE
CLERK
G.S. & F.C.

2020 OCT - 7 PM 12: 00

RICHLAND COUNTY
FILED

THIS MATTER came before the Court on August 10, 2020 at 2:00 PM for a hearing on Plaintiffs' Paige M. Easley a/k/a Paige Easley ("P. Easley") and Macrina Easley's (collectively "Plaintiffs") Motion to Seal filed pursuant to Rule 41.1, SCRCPC ("Motion").

Due to the ongoing public health crisis and global pandemic precipitated by COVID-19, the hearing took place *via* the videoconferencing platform Webex. The parties were notified of the manner and mode by which the hearing would occur by electronic mail sent by the Court. In addition, Defendant Ann Easley a/k/a Ann Bryant ("Defendant") was sent a Notice of Hearing which instructed her to contact the Court to obtain the appropriate login information.

Present at the hearing was Taylor A. Peace, Esq., attorney for the Plaintiffs. Despite receiving due and proper notice of the hearing, Defendant and/or her representative failed and refused to appear.

However, the Court notes Defendant filed a Response to Notice of Motion and Motion to Seal Pursuant to Rule 41, SCRCPC on July 27, 2020 ("Response"), which attached many of the documents Plaintiffs seek to have sealed. To clarify matters in the Response, Plaintiff submitted the Affidavit of Paige M. Easley a/k/a Paige Easley in Support of the Motion to Seal ("Affidavit")



to the Court on August 10, 2020. The Affidavit and the documents Plaintiffs seek to have sealed were emailed to the Court on August 10, 2020 and reviewed *in camera*.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Based upon the Court's review of the Motion, the Affidavit, the documents emailed on August 10, 2020 ("August 10 Documents"), the Complaint filed herein, the Response, and the documents attached thereto, the Court makes the following Findings of Fact and Conclusions of Law:

1. This Court has jurisdiction over the parties and subject matter and venue is proper.
2. In the Complaint, Plaintiffs seek injunctive relief prohibiting Defendant from contacting Plaintiffs, persons in their household, their neighbors in the Wildwood subdivision, P. Easley's employer, and applicable law enforcement agencies concerning P. Easley's niece, Laureanna Camila Easley ("L. Easley") and from making allegedly false, derogatory, outrageous, offensive and embarrassing allegations.
3. They also seek damages resulting from Defendant's mailing, publishing and disseminating allegedly false, outrageous, derogatory, and embarrassing information to Plaintiffs' neighbors, P. Easley's employer, and local law enforcement agencies related to P. Easley's alleged commission of criminal activity and abuse and neglect of L. Easley.
4. The Response, the documents attached thereto, the August 10 documents, and the Affidavit, all of which were viewed *in camera*, contain allegations that are indeed embarrassing, outrageous, derogatory and offensive to the Plaintiffs and P. Easley in particular.
5. However, "judicial proceedings and court records are presumptively open to the public under the common law, the First Amendment of the federal constitution and the state



constitution.” Ex parte Capital U-Drive-It, Inc. v. Beaver, 369 S.C. 1, 10, 630 S.E. 2d 464 469 (Ct. App. 2006).

6. “Public access to courts and their records serves several fundamental interests which are crucial to the proper functioning of judicial and governmental systems.” Id.

7. “Public access discourages perjury and encourages bringing the truth to light because participants are less likely to testify falsely in a sunlit courtroom before their neighbors rather than in a private room before court officials.” Id.

8. As a result, “[l]itigants who carry disputes to a publicly funded forum for resolution must necessarily expect to surrender a good measure of their right to privacy.” Ex Parte Capital U-Drive It, Inc., 369 S.C. at 11, 630 S.E. 2d at 470 (2006).

9. “A claim that a court file contains extremely personal, private, and confidential matters is generally insufficient to constitute a privacy interest warranting the sealing of the file.” Id. (citing Doe v. Heitler, 26 P. 3d 539, 544 (Colo App. 2001)).

10. “In deciding whether to seal or unseal a court record, the court must make specific factual findings, on the record, which weigh the need for secrecy against the right of access.” Ex Parte Capital U-Drive It, Inc., 369 S.C. at 12, 630 S.E. 2d at 470 (2006).

11. “The burden is on the party who seeks to overcome the presumption of access to show that the interest in secrecy outweighs the presumption.” Id. (citing Davis v. Jennings, 304 S.C. 502, 506, 405 S.E. 2d 601, 603 (1991))

12. Under Rule 41.1(b), SCRCP, “the Court must consider the following factors: (1) ensuring the parties’ right to a fair trial or hearing; (2) the need for witness cooperation; (3) the reliance of the parties upon expectations of confidentiality of the proceeding; (4) the public or professional significance of the proceeding; (5) the perceived harm to the parties from disclosure;



(6) why alternatives other than sealing the documents are not available to protect legitimate private interests; and (7) why the public interest, including, but not limited to, the public health and safety is best served by sealing the documents.” Rule 41.1, SCRPC.

13. The Court may also consider: “(1) public interest in the proceeding; (2) the private or public status of the litigants and case generally; (3) whether release would enhance the public’s understanding of an important historical event; (4) whether the public already has access to information contained in the records; and (5) whether a particular decision will sustain or offend the fundamental interest of public access, and (6) any other relevant factors.” Ex parte Capital U-Drive-It, Inc., 369 S.C. at 12, 630 S.E. 2d at 470 (2006).

14. In this matter, the factors under Rule 41.1, SCRPC are applied as follows:

- a. Sealing the August 10 Documents, the Affidavit, the Response, and the documents attached thereto would ensure the parties’ right to a fair trial as the information contained therein concerning P. Easley is so outrageous, offensive, derogatory and absurd that allowing the documents to be of public record will create such prejudice toward P. Easley that the public’s and potential jurors’ opinion of him will be tainted and biased;
- b. The witness cooperation factor is not relevant as the witnesses known to Plaintiffs are willing to testify even if the documents are left unsealed;
- c. The expectation of privacy factor is also not relevant or present as Plaintiffs were unaware that these allegations would be made by the Defendant until they were already made;
- d. There is little public significance to the pending action and documents Plaintiffs seek to seal; however the allegations contained therein, if they are further published and left unsealed, have a high likelihood of damaging P. Easley’s ability to keep his employment and/or to find future employment as stated in the Affidavit;
- e. Keeping the August 10 Documents, the Affidavit, the Response, and the documents attached thereto unsealed will have a high likelihood of harming Plaintiffs as they will result in embarrassment, public humiliation, harm to Plaintiffs’ private and public reputations, and jeopardize P. Easley’s employment;



- f. The August 10 Documents, the Affidavit, the Response, and the documents attached thereto at issue are replete with the offensive, outrageous, derogatory and absurd allegations, and, as a result, there are no other alternatives except to seal them; and
 - g. The public interest is best served by sealing the August 10 Documents, the Affidavit, the Response, and the documents attached thereto as the public has an interest in insuring that outrageous, offensive, derogatory and disgusting allegations about individuals are not published in the public record.
15. Concerning the other relevant factors that the Court may consider:
- a. There does not appear to be any public interest in the proceeding;
 - b. The litigants are private individuals with little public status, if any;
 - c. Leaving the August 10 Documents, the Affidavit, the Response, and the documents attached thereto unsealed would not enhance the public's understanding of an important historical event;
 - d. Aside from the unsolicited mailings to Plaintiffs' neighbors already made by Defendant, the public does not already have the information Defendant has sought to disseminate; and
 - e. The decision to seal or other decisions in this matter will not offend the fundamental interests of public access.

16. While there is an interest in keeping documents and court records open to the public, the factors described above weigh in favor of sealing the August 10 Documents, the Affidavit, the Response, and the documents attached thereto to prevent unwarranted and unnecessary damage to Plaintiffs, and their Motion should be granted.

17. Also, while Plaintiffs' Motion only seeks to seal the August 10 Documents, the Affidavit, the Response, and the documents attached thereto, the Response indicates that Defendant may have a propensity to file documents in the future which contain the same or similar offensive, outrageous, derogatory and absurd allegations, and, accordingly, the terms of this Order should extend to future filings by the Plaintiffs and Defendant.



ORDER

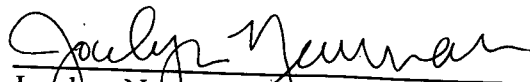
As set forth above, there is a strong presumption of keeping Court files and records open to ensure that the truth is brought to light and to discourage false testimony and false practices. Also, claims of embarrassment and prospective injury is generally insufficient to overcome the strong presumption. However, the Plaintiffs and the public at large have an interest in insuring that their reputations, their employment, and their standing in the community are not affected by unsolicited mailings and filings that make absurd, outrageous, derogatory and offensive allegations nor should these allegations be further published and disseminated though the public record.

ACCORDINGLY, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Plaintiffs' Motion is **GRANTED**,

IT IS ALSO ORDERED, ADJUDGED AND DECREED that the August 10 Documents, the Affidavit, the Response, the documents attached thereto, and any documents filed in the future containing the same or similar allegations shall be sealed pursuant to Rule 41.1, SCRPC, that they shall be marked as "SEALED", and that they shall not be available for viewing and inspection by the public except as otherwise ordered by the Court.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Clerk of Court for Richland County is hereby directed to remove the Response and documents attached thereto, and any future documents containing the same or similar allegations from the Court's electronic databases accessible to the public, and/or to otherwise mark the same as being "SEALED".

IT IS SO ORDERED.



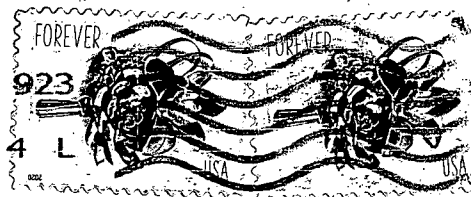
Jocelyn Newman, Circuit Court Judge for
Richland County

September 30, 2020
Columbia, South Carolina

A. E.
P.O. Box 1782
Columbus, NM
88029

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Court of Appeals
1220 Senate Street
Columbus, SC 29201

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