

STATE OF SOUTH CAROLINA  
In The Court Of Appeals

APPEAL FROM RICHLAND COUNTY  
Jocelyn Newman, Circuit Court Judge

**RECEIVED**

DEC 29 2020

SC Court of Appeals

Appellate Case No. 2020-001477  
Richland County Case No.: 2020-CP-40-01902

Paige M. Easley a/k/a Paige Easley and Macrina Easley.....Respondents

v.

Ann Easley a/k/a Ann Bryant.....Appellant

**RESPONDENTS' BRIEF REGARDING IMMEDIATE APPEALABILITY OF  
ORDER GRANTING MOTION TO SEAL**

Respondents Paige M. Easley a/k/a Paige Easley and Macrina Easley (“Respondents”) submit Respondents Brief Regarding Immediate Appealability of Order Granting Motion to Seal as requested by the Court in correspondence dated December 15, 2020.

**FACUTAL AND PROCEDURAL BACKGROUND**

As Appellant Ann Easley a/k/a Ann Bryant (“Appellant”) has failed to provide any grounds on which she is appealing the Order Granting Motion to Seal (“Order to Seal”) filed October 5, 2020, Respondents believe it necessary to provide the Court with factual and procedural background of the case to this point.

Respondents filed the Summons and Complaint in this matter with the Richland County Court of Common Pleas on April 9, 2020 alleging, among other things, that Appellant previously disseminated and published false and misleading information about Respondent Paige M. Easley

a/k/a Paige Easley (“Paige Easley”) to his neighbors, employer, and the Richland County Sheriff’s Department with intent to harass him. The information Appellant published and/or disseminated has been alleged to be false, outrageous, offensive, gross and shocks the conscious. Copies of the Summons and Complaint filed in the case are attached hereto as **Exhibit 1**.

At the same time the Summons and Complaint were filed, Respondents filed a Motion to Seal under Rule 41, SCRPC (“Motion to Seal”) due to the nature of the material and information that Appellant published and disseminated. Respondents did not want the false, shocking, and outrageous information about Paige Easley to become accessible and disseminated to the public any more than Appellant had already caused the same. A copy of the Motion to Seal pursuant to Rule 41, SCRPC is attached hereto as **Exhibit 2**. Respondent was served with the Summons, Complaint, and Motion to Seal on July 13, 2020 according to the Affidavit of Service attached hereto as **Exhibit 3**.

Thereafter, Appellant filed a Response to Notice of Motion and Motion to Seal Pursuant to Rule 41, SCRPC (“Response”) which included many of the documents Respondents sought to have sealed. A hearing on the Motion to Seal was set for August 10, 2020 at 2:00 PM before the Honorable Jocelyn Newman, Circuit Court. Appellant was timely sent a Notice of Hearing at the address identified on her Response. A copy of the Notice of Hearing is attached hereto as **Exhibit 4**.

The hearing on the Motion to Seal took place on August 10, 2020 at 2:00 PM; however, Appellant failed and refused to appear. Judge Newman granted the Motion to Seal and requested Respondents’ counsel prepare the Order to Seal that was filed by Judge Newman and served on Appellant on October 5, 2020. A copy of the letter serving the Appellant with the Order to Seal is attached hereto as **Exhibit 5**.

Appellant filed her Notice of Appeal on November 8, 2020.

### **ARGUMENT**

In its correspondence dated December 15, 2020, the Court asked Appellant and Respondents to address the immediate appealability of the Order to Seal. For the reasons below, the Order to Seal is not immediately appealable and Appellant's appeal should be dismissed.

#### **I. The judgment or order subject of the appeal must be final**

Under Article V, §5 of the South Carolina Constitution, "The Supreme Court...shall have appellate jurisdiction only in cases in equity, and in such appeals, they shall review the findings of fact as well as the law, except in cases where the facts are settled by a jury and the verdict not set aside. The Supreme Court shall constitute a court for the correction of errors at law under such regulations as the General Assembly may prescribe." S.C. Const. art. V, §5

The statutory basis for the South Carolina Supreme Court's appellate jurisdiction for correction of errors in law cases is found in S.C. Code Ann. §14-3-330 (1976), as amended, which provides,

"The Supreme Court shall have appellate jurisdiction for correction of errors in law cases, and shall review upon appeal:

- (1) Any intermediate judgment, order or decree involving the merits in actions commenced in the court of common pleas and general sessions, brought there by original process or removed there from any inferior court or jurisdiction, and final judgments in such actions; provided, that if no appeal be taken until judgment is entered the court may upon appeal from such final judgment review any intermediate order or decree necessarily affecting the judgment not before appealed from;
- (2) An order affecting a substantial right made in an action when such order (a) in effect determines the action and prevents a judgment from which an appeal might be taken or discontinues the action, (b) grants or refuses a new trial or (c) strikes out an answer or any part thereof or any pleading in an action;
- (3) A final order affecting a substantial right made in any special proceeding or upon a summary application in any action after judgment; and

- (4) An interlocutory order or decree in a court of common pleas granting, continuing, modifying or refusing an injunction or granting, continuing, modifying, or refusing the appointment of a receiver.” S.C. Code Ann. §14-3-330 (1976), as amended.

In general, an order and/or judgment must be final and not interlocutory to be immediately appealable. Hagood v. Sommerville, 362 S.C. 191, 196, 607 S.E. 2d 707, 709 (“An order which does not finally end a case and prevent a final judgment from which a party may seek appellate review is considered an interlocutory order from which no immediate appeal is allowed.”) (internal citations omitted.) In making a determination of whether an order or judgment is interlocutory or final, the South Carolina Supreme Court has stated that an order is interlocutory and not appealable if there is some further act that must be done by the court prior to a determination of the rights of the parties. Mid-State Distributors v. Century Importers, Inc., 310 S.C. 330, 426 S.E. 2d 777 (1993) In contrast, a final judgment must

“dispose of the cause or a distinct branch thereof, as to all the parties reserving no further questions or directions for future determination. It must finally dispose of the whole subject-matter or be a termination of the particular proceedings or action, leaving nothing to be done but to enforce by execution what has been determined. In other words, a final judgment is one which operates to divest some right in such a manner as to put it beyond the power of the court making the order to place the parties in their original condition after the expiration of the term; that is, it must put the case out of the court, and must be final in all matters within the pleadings.” Good v. Hartford Accident & Indemnity Co., 201 S.C. 32, 41-42, 21 S.E. 2d 209, 212 (1942) (internal citations omitted).

The South Carolina Court of Appeals has the same jurisdiction limits as the South Carolina Supreme Court as noted in S.C. Code Ann. §14-8-200(a) (1976), as amended, which states, “...the court has jurisdiction over any case in which an appeal is taken from an order judgment, or decree of the circuit court....This jurisdiction is appellate only, and the court shall apply the same scope

of review that the Supreme Court would apply in a similar case.” S.C. Code Ann. §14-8-200 (a) (1976), as amended.

Even though the general rule is that the judgment must be final, an order may be interlocutory and immediately appealable in certain circumstances. Woodward v. Westvaco Corp., 319 S.C. 240, 460 S.E. 2d 392 (1995).

## **II. The judgment that is not final may be appealed in certain limited and specific circumstances**

As identified in S.C. Code Ann. §14-3-330 (1976), as amended, an order may be immediately appealable “if it involves the merits....; provided, that if no appeal be taken until final judgment is entered the court may upon appeal from such final judgment review any intermediate order or decree necessarily affecting the judgment not appealed from.” S.C. Code Ann. §14-3-330 (1976), as amended. South Carolina law has determined that, an order which “involves the merits” is one that “must finally determine some substantial matter forming the whole or a part of some cause of action for defense.” Mid-State Distrib., 310 S.C. 330, 426 S.E. 2d 777 (1993).

An interlocutory order may also be immediately appealable if it would discontinue an action, prevent an appeal, grant or refuse a new trial, or strike out an action or defense. Id. However, it is worth noting that this section has generally been used when the order affected the “mode of trial” because if those orders are not immediately appealed, no appellate review is available to correct any error. Breland v. Love Chevrolet Olds. Inc., 339 SC 89, 93, 529 S.E. 2d 11, 13 (2000) (citing Creed v. Stokes, 285 S.C. 542, 331 S.E. 2d 351 (1985)). The aforesaid notwithstanding, it has been used in other matters as set forth below.

The third and fourth category for interlocutory orders that may be immediately appealable concern a final order affecting a substantial right in any special proceeding or upon a summary

application in any action after judgment and an interlocutory order or decree in the court of common pleas granting, continuing, modifying, or refusing an injunction. See S.C. Code Ann. §14-3-330 (1976), as amended.

**III. While an order unsealing a file is immediately appealable, an order to seal a file appears unsettled**

While Respondents' counsel has not been able to find any South Carolina case on point, the South Carolina Supreme Court did take up the issue of unsealing family court documents in the case of Ex-parte Capital U-Drive-It, Inc. 369 S.C. 1, 630 S.E. 2d 464 (2006).

In that case, the South Carolina Supreme Court determined, among other things, that an order unsealing records in a family court matter is immediately appealable. Id. Specifically, the South Carolina Supreme Court found that, “[t]he right of appeal arises from and is controlled by statutory law.” Id. 369 S.C. at 6, 630 S.E. 2d 464, 467 (2006) (citing N.C. Fed. Sav. and Loan Assn. v. Twin States Dev. Corp., 289 S.C. 480, 347 S.E. 2d 97 (1986)). “An appeal ordinarily may be pursued only after a party obtains a final judgment.” Id. (citing Mid-State Distributors, Inc. v. Century Importers, Inc., 310 S.C. 335, 426 S.E.2d 777, 780-81 (1993); S.C. Code Ann. §14-3-330(1) (1976); Rule 72, SCRCF; Rule 201(a), SCACR.)). “Absent a specialized statute, an order must fall into one of several categories set forth in Section 14-330 in order to be immediately appealable.” Id. “An order ‘involves the merits’ ... and is immediately appealable when it finally determines some substantial matter forming the whole or part of some cause of action or defense.” Id. at 369 S.C. at 7, 630 S.E. 2d at 467. (internal citations omitted). “The phrase ‘involving the merits’ is narrowly construed in modern precedent.” Id. “An order usually will be deemed interlocutory and not immediately appealable when there is some further act that must be done by the trial court prior to a determination of the parties’ rights.” Id. 369 S.C. at 7, 630 S.E. 2d at 467-468. Important to this matter, the South Carolina Supreme Court found,

“...we agree with courts which have been inclined to find such an order immediately appealable because, after a court file is unsealed and the information released, no appellate remedy is likely to repair any damage done by an improper disclosure. Compelling a party that disputes an unsealing order to forgo an appeal until the conclusion of the underlying litigation would let the cat out of the bag, without any effective way of recapturing it if the district court’s directive was ultimately found to be erroneous.” Id. 369 S.C. at 8, 630 S.E. 2d at 468 (2006) (emphasis added).

In other words, an order granting a motion to unseal is immediately appealable because of the damage that might occur because of the improper disclosure.

While Ex-parte Capital U-Drive-It, Inc., is not directly on point, its reasoning is sound and applicable in this matter.

**IV. The Order to Seal is interlocutory, does not affect a substantial right, does not involve the merits, and, as a result, is not immediately appealable.**

When the law is applied to the to the Order to Seal, it is clear that it is interlocutory in nature, does not affect a substantial right, and, as a result, is not immediately appealable.

Initially, the Order to Seal is interlocutory as it does not end the case. (See **Exhibit 5**). There are other matters left to be decided. Also, the Order to Seal does not “involve the merits” considering the parties’ rights are not affected and no cause of action or defense was decided or ruled upon. (See **Exhibit 5**). It also does not determine the action or prevents a judgment from which an appeal might be taken nor does it discontinue the action. It further does not grant or refuse a new trial or strike out an answer or any part thereof or any pleading. Instead, the matters contained in the Order to Seal only determine what may be readily and easily accessed by the public and third parties through the Office of the Clerk of Court for Richland County. (See **Exhibit 5**). The public and other third parties will just have to take additional steps to view the same to include unsealing the records at issue.

The question that remains is whether the Order to Seal involves a substantial right. In Ex-parte, the South Carolina Supreme Court found that an order unsealing documents are immediately appealable because an appellate remedy is unlikely to repair the damage done by improper disclosure after the court's file is unsealed and information released. Id. The South Carolina Supreme Court also noted that other courts that have undertaken the question of whether an order to unseal documents is immediately appealable found that the usual method of reaching an appellate court is unavailable to a litigant when the court chooses to unseal its own records. Id.

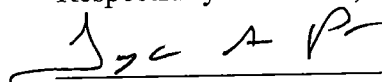
In this matter, the opposite is true as Appellant and Respondents have legal and appellate remedies available to them. In other words, they have not been harmed by or their rights affected by the Order to Seal. If Appellant's intent in filing this appeal is to seek the unsealing of the records in this matter, her remedy is not with this Court now, it remains with the Court of Common Pleas for Richland County. See Id. As a result, the Order to Seal does not involve a substantial right.

Accordingly, the Order to Seal is interlocutory, does not involve a substantial right, does not involve the merits, and is not immediately appealable.

**CONCLUSION**

For the forgoing reasons, the Order Granting Motion to Seal is not immediately appealable, and, as a result, the appeal thereof should be dismissed.

Respectfully submitted,



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*Attorneys for Respondents Paige M. Easley  
a/k/a Paige Easley and Macrina Easley*

December 23, 2020  
Chapin, South Carolina

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF RICHLAND	)	CIVIL ACTION NO.: 2020-CP-40- _____
Paige M. Easley a/ka/ Paige Easley and	)	
Macrina Easley	)	
	)	
	)	
	)	
Plaintiffs,	)	
vs.	)	
	)	
	)	
Ann Easley a/k/a Ann Bryant	)	
	)	
	)	
Defendant.	)	
_____	)	

**SUMMONS**

**TO THE DEFENDANT(S) ABOVE NAMED:**

**YOU ARE HEREBY SUMMONED** and required to answer the Complaint, a copy of which is herewith served upon you, and to serve a copy of your Answer to said Complaint upon the subscribers at their office at 135 Columbia Avenue, Chapin, South Carolina 29036 (Street Address) or P.O. Box 1000, Chapin, South Carolina 29036-1000 (Mailing Address), within thirty (30) days after the service hereof, exclusive of the day of such service; and if you fail to answer the Complaint within the time aforesaid, the Plaintiff will apply to the Court for the relief demanded in the Complaint and judgment by default will be rendered against you for the relief demanded in the Complaint.

**HARRELL, MARTIN & PEACE, P.A.**

By: /s/ Taylor A. Peace  
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Attorneys for Plaintiffs Paige M. Easley a/k/a  
Paige Easley and Macrina Easley

April 9, 2020  
Chapin, South Carolina

**Ex. 1**

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF RICHLAND	)	CIVIL ACTION NO.: 2020-CP-40- _____
Paige M. Easley a/k/a Paige Easley and Macrina Easley,	)	
	)	
Plaintiffs,	)	<b>COMPLAINT</b>
	)	
vs.	)	
	)	
Ann Easley a/k/a Ann Bryant,	)	
	)	
Defendant.	)	
_____	)	

**NOW COME** Plaintiffs Paige M. Easley a/k/a Paige Easley (“P. Easley”) and Macrina Easley (“M. Easley”) (P. Easley and M. Easley are sometimes collectively referred hereto as “Plaintiffs”), who, complaining of Defendant Ann Easley a/k/a Ann Bryant (“Defendant”), respectfully allege and will show unto this Honorable Court as follows:

**GENERAL ALLEGATIONS**

1. Plaintiffs are citizens and residents of the County of Richland, State of South Carolina and live in the Wildewood Subdivision.
2. Upon information and belief, Defendant is a citizen and resident of the County of Jefferson, State of Kentucky.
3. As more fully set forth herein, this Court has personal and subject matter jurisdiction over the parties and the matters described herein, and venue is proper.
4. P. Easley and Defendant are biological siblings.
5. Defendant is the biological mother of Laurenna Camila Easley (hereinafter “L. Easley”), and P. Easley is L. Easley’s uncle.

6. Plaintiffs are informed and believe that L. Easley suffers from a severe and permanent intellectual and developmental disability that requires her to receive twenty-four (24) hour assistance with her health, care, maintenance, and well-being as well as the management of her personal finances and affairs.

7. L. Easley lives with P. Easley's other sibling, Preston Easley ("Brother"), and his wife at their home in the County of Los Angeles, State of California, and she has done so for some time.

8. Between January 1, 2018 and October 1, 2018, Defendant, by mail, delivered certain flyers, advertisements and/or solicitations to Brother's neighbors containing offensive, outrageous, and patently false information alleging that Brother and his wife were committing crimes related to L. Easley's mental care, maintenance, and well-being (hereinafter "Brother's Mailings"). Specifically, Defendant was alleging Brother and his wife were abusing and/or neglecting L. Easley. Due to the offensive, outrageous and patently false information contained in the Brother's Mailings, Plaintiffs have filed and/or will file a Motion to Seal pursuant to Rule 41.1, SCRCP as they directly relate to Brother's reputation, the commission of alleged criminal activity, and the abuse and/or neglect of a disabled person. During the hearing on said Motion, Plaintiffs will make Brother's Mailings available to the Court for an *in-camera* inspection and review.

9. Contemporaneously therewith, Defendant made multiple telephone calls to the local law enforcement situated in and around Brother's place of residence and alleged that Brother and his wife were committing crimes related to L. Easley's health, maintenance, care and well-being that are offensive, outrageous, and patently false.

10. As a result of Defendant's actions, Brother and his wife were and/or have been subjected to multiple, unnecessary and harassing "welfare checks" by their local law enforcement agency.

11. As a direct and proximate result of Defendant's actions, the brothers decided that L. Easley should come to stay with Plaintiffs at their residence in Wildewood Subdivision in Richland County to give Brother and his wife a reprieve from Defendant's actions.

12. When Defendant learned of this potential change she took the same or similar actions as she had with Brother and his wife.

13. Namely, in August, 2018, Plaintiffs were informed by one of their neighbors that he received in his mail certain flyers, advertisements and/or solicitations that allege Plaintiffs are and/or were engaged in the same and/or similar crimes and activities as Brother (hereinafter "Plaintiffs' Mailings"). As with Brother's Mailings, Plaintiffs have filed and/or will file a Motion to Seal pursuant to Rule 41.1, SCRCP as the Plaintiffs' Mailings directly relate to their reputation, commission of alleged criminal activity, and the abuse and/or neglect of a disabled person. During the hearing on said Motion, Plaintiffs will make Plaintiffs' Mailings available to the Court for an *in-camera* inspection and review.

14. Also, Defendant made multiple phone calls to the Richland County Sheriff's Department alleging that Plaintiffs were engaged in the same or similar crimes and/or activities with regard to L. Easley's health, care, maintenance, and well-being as Brother that resulted in multiple "welfare checks" to Plaintiffs' residence that are harassing.

15. These allegations are offensive, outrageous, and patently false.

**FIRST CAUSE OF ACTION**  
(Defamation)

16. Plaintiffs incorporate the previous allegations of this Complaint as if repeated

herein verbatim.

17. Plaintiffs are informed and believe that Plaintiffs' Mailings and the multiple telephone calls to the Richland County Sherriff's Department contain allegations that they committed or were in the process of committing criminal acts regarding the abuse and/or neglect of L. Easley.

18. Plaintiffs' Mailings, the telephone calls to the Richland County Sherriff's Department, and the statements contained therein are false and have a defamatory meaning that concern Plaintiffs and allegations of false criminal actions.

19. Plaintiffs are informed and believe the statements made in the Plaintiffs' Mailings and to the Richland County Sherriff's Department were published by Defendant with actual and/or implied malice for the purpose of coercing Plaintiffs into taking actions Defendant wanted that are not in L. Easley's best interest.

20. Plaintiffs are informed and believe that Defendant's actions regarding the Plaintiffs' Mailings, the false statements made therein and the telephone calls made to the Richland County Sherriff's Department were willful, wanton, reckless and with conscious disregard to their veracity and/or Plaintiffs' rights.

21. Plaintiffs are informed and believe that the statements made in Plaintiffs' Mailings and to the Richland County Sherriff are defamatory *per se*, and, as a result thereof, Plaintiffs have suffered embarrassment, humiliation and mental suffering as a result of the injury to their reputation.

22. As a direct and proximate result of Defendant's publication of statements made in the Plaintiffs' Mailings and the telephone calls to the Richland County Sherriff, Plaintiffs have suffered actual, consequential, and special damages to be more fully at the trial of this case.

23. Plaintiffs are informed and believe that they are entitled to judgment against Defendant in the amount of their actual damages, consequential damages, and special damages to be more fully proven at the trial of this case, plus punitive damages as may be allowed by law.

**SECOND CAUSE OF ACTION**  
(Intentional Infliction of Emotional Distress)

24. Plaintiffs incorporate the previous allegations of this Complaint as if repeated herein verbatim.

25. Defendant's actions described hereinabove are and/or were so extreme and outrageous as to exceed all possible bounds of decency and should be regarded as atrocious and utterly intolerable in a civilized society.

26. As a result of Defendant's actions, Plaintiffs have suffered emotional distress that is so severe that no reasonable person should have to endure the humiliation, loss of reputation, and degradation in the eyes of their neighbors and community.

27. Plaintiffs are informed and believe that Defendant's actions were intended to cause and/or recklessly inflict severe emotional distress and/or she was substantially certain that the same would result therefrom.

28. Plaintiffs are informed and believe that Defendant's intentional infliction of emotion distress was willful, wanton, reckless, and with conscious disregard to Plaintiffs' rights.

29. As a direct and proximate result of Defendant's actions, Plaintiffs have suffered actual and consequential damages to be more fully proven at the trial of this case.

30. Plaintiffs are informed and believe that they are entitled to judgment against Defendant for their actual and consequential damages to be more fully proven at the trial of this case plus punitive damages as may be allowed by law.

**THIRD CAUSE OF ACTION**  
(Temporary/Permanent Injunction)

31. Plaintiffs incorporate the previous allegations of this Complaint as if repeated herein verbatim.

32. Based on the above, Plaintiffs are informed and believe that they have suffered and will continue to suffer irreparable harm and/or injury if Defendant is allowed to continue to contact them, their neighbors and/or to make false and defamatory statements about them.

33. Plaintiffs are informed and believe that they are likely to succeed on the merits based on the facts described herein above.

34. Plaintiffs are informed and believe that they have no adequate remedy at law as money damages will not compensate them for the ongoing and continuing actions that the Defendant will undertake to cause them additional and further harm and damage.

35. Plaintiffs are informed and believe that they are entitled to an Order of this Court temporarily and/or permanently enjoining Defendant from contacting them, the persons in their household, their neighbors in the Wildewood Subdivision, and/or P. Easley's employer or co-workers which the Defendant has done in the past.

36. Plaintiffs are also informed and believe that they are entitled to an Order of this Court temporarily and/or permanently enjoining Defendant from contacting the Richland County Sherriff's Department or other applicable law enforcement agency concerning "welfare checks" for L. Easley.

**WHEREFORE**, having fully set forth their Complaint against Defendant, Plaintiffs prays for judgment against Defendant as follows:

1. For an Order granting them judgment in the amount of their actual, consequential, and special damages as may be more fully proven at the trial of this case;

2. For an Order granting them judgment for punitive damages as may be allowed by law; and
3. For an Order that temporarily and/or permanently enjoins Defendant from contacting them, the persons in their household, their neighbors in the Wildewood subdivision, P. Easley's employer as wells as the Richland County Sherriff's Department or other applicable law enforcement agency concerning "welfare checks" for L. Easley.
4. For such other and further relief as this Court deems just and proper.

**HARRELL, MARTIN & PEACE, P.A.**

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Attorneys for Plaintiffs Paige M. Easley a/k/a  
Paige Easley and Macrina Easley

April 9, 2020  
Chapin, South Carolina

STATE OF SOUTH CAROLINA ) IN THE COURT OF COMMON PLEAS  
COUNTY OF RICHLAND ) CIVIL ACTION NO.: 2020-CP-40- \_\_\_\_\_

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

Plaintiff, )

NOTICE OF MOTION AND MOTION TO  
SEAL PURSUANT TO RULE 41, SCRPC

vs. )

Ann Easley a/k/a Ann Bryant, )

Defendant. )

**TO: DEFENDANT ANN EASLEY A/K/A ANN BRYANT, Defendant *pro se***

**YOU WILL PLEASE TAKE NOTICE** that Plaintiffs Paige M. Easley a/k/a Paige Easley (“P. Easley”) and Macrina Easley (“M. Easley”) (P. Easley and M. Easley are sometimes collectively referred to herein as “Plaintiffs”) will move before this Honorable Court ten (10) days after service hereof or as soon thereafter for an Order sealing certain documents and/or filings in the above captioned matter. Specifically, the documents, which will be provided to the Court for an *in camera* review at the hearing on the Motion, make allegations against Plaintiffs directly related to the following:

- 1) Alleged criminal activity;
- 2) Alleged abuse of a disabled person;
- 3) Alleged false imprisonment; and
- 4) Other patently false, offensive and outrageous statements.

In support of the Motion, Plaintiffs assert that sealing the documents are necessary because the allegations made in the documents are unfounded, without factual support and are intended to coerce and harass Plaintiffs into giving Defendant control and custody of her

EX. 2

daughter, Laurena Camila Easley (“L. Easley”), who does not reside with them and is in the custody and control of others. Despite their falsity, these allegations have a tendency to damage Plaintiffs’ reputation, cause them embarrassment, humiliation, and other mental suffering. Also, leaving the documents and filing unsealed are likely to affect P. Easley’s employment and his ability to make a living in the future as will be more fully explained at the hearing on this Motion. Unfortunately, there are no other alternatives to sealing the aforesaid documents as they are essential to Plaintiffs’ case and the crux thereof. Redaction is also not available as the documents are replete with the allegations at issue. Without the documents and their contents, Plaintiffs’ will be deprived of an opportunity to bring their case forward and are an essential tool needed to prosecute the same.

Concerning the factors set forth in Rule 41.1, Plaintiffs assert the following:

- 1) Sealing of the documents is needed to insure a fair trial so that the public and potential jurors will not be tainted by the false and outrageous allegations contained in the documents prior to a trial;
- 2) The need for witness cooperation factor is not relevant in this matter as the witnesses known to Plaintiffs are willing to testify even if the documents are left unsealed;
- 3) Plaintiffs expect the documents to be and remain confidential to the extent they can based on their offensive, outrageous and false nature;
- 4) There is little public significance of the lawsuit, but the documents and the allegations therein, if they are further published by being kept unsealed, have a high likelihood of damaging P. Easley’s ability keep his employment and find employment in the future;
- 5) The disclosure of the documents have a high likelihood of harming Plaintiffs’ in the form of embarrassment, public humiliation, and harm to their private and public reputations;
- 6) The documents that Plaintiffs seek to file are replete with the allegations at issue and redaction of the documents are not practical, and, as a result, there are no other alternatives; and

- 7) The public interest is best served by sealing the documents as the public has an interest in insuring that false, outrageous, and disgusting allegations about individuals are not published in the public record.

Plaintiffs additionally base their Motion on such applicable case law such as Ex parte Capital U-DRIVE-IT, Inc. v. Beaver, 630 S.E. 2d 464, 369 S.C. 1 (2006), statutory law, affidavits and memorandum that may be filed, plus such other and further argument of counsel as may be appropriate.

Respectfully Submitted,

**HARRELL, MARTIN & PEACE, P.A.**

By: /s/ Taylor A. Peace

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Attorneys for Plaintiffs Paige M. Easley a/k/a  
Paige Easley and Macrina Easley

April 9, 2020  
Chapin, South Carolina

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):		FOR COURT USE ONLY
TELEPHONE NO.:	FAX NO. (Optional):	
E-MAIL ADDRESS (Optional):	ATTORNEY FOR (Name):	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF		CASE NUMBER: 2020 - CP - 40 - 01902
STREET ADDRESS:		
MAILING ADDRESS:		
CITY AND ZIP CODE:		
BRANCH NAME:		
PETITIONER/PLAINTIFF: PAIGE M. EASLEY a/k/a PAIGE EASLEY and MACRINA EASLEY		
RESPONDENT/DEFENDANT: ANN EASLEY a/k/a ANN BRYANT		
<b>PROOF OF PERSONAL SERVICE—CIVIL</b>		

(Do not use this Proof of Service to show service of a Summons and Complaint.)

- I am over 18 years of age and not a party to this action.
- I served the following documents (specify):

- NOTICE OF MOTION AND MOTION TO SEAL PURSUANT TO RULE 41, SCRCP
- SUMMONS & COMPLAINT

The documents are listed in the Attachment to Proof of Personal Service—Civil (Documents Served) (form POS-020(D)).

- I personally served the following persons at the address, date, and time stated:

- Name: ANN EASLEY
- Address: 825 MAPLE AVENUE, TORRANCE, CA 90503
- Date: July 13, 2020
- Time: 8:41am

The persons are listed in the Attachment to Proof of Personal Service—Civil (Persons Served) (form POS-020(P)).

- I am

- not a registered California process server.
- an employee or independent contractor of a registered California process server.
- a registered California process server.
- exempt from registration under Business & Professions Code section 22350(b).


- My name, address, telephone number, and, if applicable, county of registration and number are (specify):

Jorge Garcia  
SoCal Attorney Services  
5850 W. 3rd Street # 279  
Los Angeles, CA 90036

- I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
- I am a California sheriff or marshal and certify that the foregoing is true and correct.

Date: 7/14/2020

JORGE GARCIA  
(TYPE OR PRINT NAME OF PERSON WHO SERVED THE PAPERS)

DocuSigned by:  
  
83EBF87B8E83 (SIGNATURE OF PERSON WHO SERVED THE PAPERS)

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF RICHLAND )

IN THE COURT OF COMMON PLEAS  
CIVIL ACTION NO.: 2020-CP-40- 01902

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

**NOTICE OF HEARING**

vs. )

Ann Easley a/k/a Ann Bryant, )  
 )  
Defendant. )

**TO THE ABOVE-NAMED DEFENDANT:**

A hearing on Plaintiffs' Motion to Seal has been scheduled in the above-referenced action for **August 10, 2020 at 2:00 P.M.** before the Honorable Judge Jocelyn Newman. The hearing will be conducted by video-conferencing through Cisco Webex. You will need to contact the Court directly to obtain instructions and the link for the hearing. You may contact the Court by mail at Richland County Clerk of Court, PO Box 2766, Columbia, SC 29202 or by phone at 803-576-1947.

**HARRELL, MARTIN & PEACE, P.A.**

s/ Taylor A. Peace  
Taylor A. Peace #100206  
135 Columbia Avenue  
Post Office Box 1000  
Chapin, South Carolina 29036  
(803) 345-3353  
ATTORNEY FOR PLAINTIFF

Chapin, South Carolina  
July 29, 2020

Ex. 4

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, )

**CERTIFICATE OF SERVICE**

vs. )

Ann Easley a/k/a Ann Bryant, )

Defendant. )

\_\_\_\_\_ )


I, Tracy Slice Moore, a paralegal with the firm of Harrell, Martin & Peace, P.A., do hereby certify that I have served a copy of the below0named document upon the parties listed below by U.S. Mail, postage prepaid, on July 29, 2020, and addressed as follows:

**DOCUMENT SERVED:**

Notice of Hearing

**PARTIES SERVED:**

Ann Easley a/k/a Ann Bryant  
PO Box 1782  
Columbus, NM 88029

  
\_\_\_\_\_  
Tracy Slice Moore

July 29, 2020



HARRELL, MARTIN & PEACE, P.A.  
ATTORNEYS AT LAW

L.K. "Trey" Harrell, III  
Jeremy C. Martin  
M. Alan Peace \*\*  
Taylor A. Peace  
Andrea "Andi" Cornelison  
Erik T. Norton

Robert W. Dibble, Jr. \*  
William Jennings (Bill) Buchanan \*  
Donald W. Tyler \*  
Thomas B. Jackson, III \*\*

\*Of Counsel  
\*\*Certified Mediator/Arbitrator

October 5, 2020

Richland County Clerk of Court  
PO Box 2766  
Columbia, SC 29202

Re: Paige M. Easley a/k/a Paige Easley and Macrina Easley v. Ann Easley, et al.  
Case No. 2020-CP-40-01902  
Our File Number: 3461.00001/TAP

Dear Sir or Madam:

Enclosed you will find the original and a copy of the Order Granting Motion to Seal in regard to the above matter. Please file the original of record and return a filed copy to our office in the enclosed envelope.

By copy of this letter, I am serving a copy of the Order on the Defendant.

Thank you for your help with this matter.

Yours truly,

HARRELL, MARTIN & PEACE, P.A.

Tracy Slice Moore  
Paralegal to Taylor A. Peace

/tsm  
Enclosure

cc: Ann Easley a/k/a Ann Bryant

Mailing Address: Post Office Box 1000, Chapin, South Carolina 29036  
Physical Address: 135 Columbia Avenue, Chapin, South Carolina 29036  
Telephone: 803-345-3353 • Fax: 803-345-9171  
harrellmartinpeace.com

Ex. 5

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF RICHLAND )  
 )  
 Paige M. Easley a/k/a Paige Easley and )  
 Macrina Easley, )  
 )  
 Plaintiffs, )  
 )  
 vs. )  
 )  
 Ann Easley a/k/a Ann Bryant, )  
 )  
 Defendant. )  
 \_\_\_\_\_ )

IN THE COURT OF COMMON PLEAS  
 CIVIL ACTION NO.: 2020-CP-40- 01902

**ORDER GRANTING  
 MOTION TO SEAL**

**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, SCRPC (“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, SCRPC 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), SCRPC, “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, SCRCP.

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, SCRCP 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**

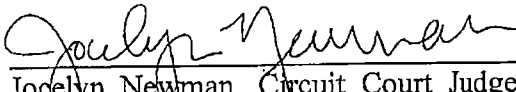
As set forth above, there is a strong presumption of keeping Court files and records open to ensure that the truth is brought to light and to discourage false testimony and false practices. Also, claims of embarrassment and prospective injury is generally insufficient to overcome the strong presumption. 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 through 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

STATE OF SOUTH CAROLINA  
In The Court Of Appeals

**RECEIVED**

DEC 29 2020

APPEAL FROM RICHLAND COUNTY  
Jocelyn Newman, Circuit Court Judge

**SC Court of Appeals**

Appellate Case No. 2020-001477

Paige M. Easley a/k/a Paige Easley and Macrina Easley.....Respondents

V

Ann Easley a/k/a Ann Bryant.....Appellant

PROOF OF SERVICE

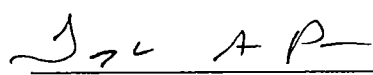
I hereby certify that I have served a copy of the

**BRIEF REGARDING APPEALABILITY OF  
ORDER GRANTING MOTION TO SEAL**

in the above referenced case on December 23, 2020, on the following by causing a copy to be delivered via the U.S. Postal Service to the Appellant or her counsel, if any, to the addresses shown below:

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

Ann Easley a/k/a Ann Bryant  
765 Rockbridge Rd.  
Shelbyville, KY 40065



Taylor A. Peace (S.C. Bar No. 100206)  
Harrell, Martin & Peace, P.A.  
P.O. Box 1000  
Chapin, South Carolina 29036  
(803) 345-3353  
*Attorneys for Respondents Paige M. Easley  
a/k/a Paige Easley and Macrina Easley*



HARRELL, MARTIN  
& PEACE, P.A.

ATTORNEYS AT LAW

L.K. "Trey" Harrell, III  
Jeremy C. Martin  
M. Alan Peace \*\*  
Taylor A. Peace  
Andrea "Andi" Cornelison  
Erik T. Norton

Robert W. Dibble, Jr. \*  
William Jennings (Bill) Buchanan \*  
Donald W. Tyler \*  
Thomas B. Jackson, III \*

\*Of Counsel  
\*\*Certified Mediator/Arbitrator

December 23, 2020

VIA ELECTRONIC MAIL (ctappfilings@sccourts.org)

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

**RECEIVED**

DEC 29 2020

SC Court of Appeals

Re: **Paige M. Easley a/k/a Paige Easley and Macrina Easley v. Ann Easley a/k/a Ann Br**  
Appellate Case No.: 2020-001477  
Case No. 2020-CP-40-01902  
Our File No.: 3461.00001/TAP

Dear Ms. Kitchings:

Our law firm represents the Respondents Paige M. Easley a/k/a Paige Easley and Macrina Easley in the above referenced matter. Pursuant to the Court's request that all filings be transmitted electronically, attached you will find a copy of Respondents' Brief Regarding Immediate Appealability of Order Granting Motion to Seal dated December 23, 2020. Please file the attached and return a clocked copy to me in via email at [tpeace@hmp-law.com](mailto:tpeace@hmp-law.com).

By copy of this letter, I am serving Appellant Ann Easley a/k/a Ann Bryant with the same.

Thank you for your assistance with this matter.

Sincerely,

HARRELL, MARTIN & PEACE, P.A.

Taylor A. Peace, Esquire

TAP/tsm

Enclosures

cc: Ann Easley a/k/a Ann Bryant (via regular U.S. Mail)



Harrell, Martin & Peace, PA  
Tracy Slice Moore  
PO Box 1000  
Chapin, SC 29036

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

RECEIVED  
DEC 29 2020  
SC Court of Appeals