

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF CHARLESTON )  
 )  
 TONY A. BILLIPS, individually and as a )  
 derivative shareholder of Alex's Restaurants, )  
 Inc., )  
 \_\_\_\_\_ )  
 Plaintiff, )  
 vs. )  
 )  
 CAROLYN BILLIPS, et al. )  
 \_\_\_\_\_ )  
 Defendant. )

IN THE COURT OF COMMON PLEAS  
 NINTH JUDICIAL CIRCUIT  
 CASE NO.: 2016-CP-10-06265

**MOTION AND ORDER INFORMATION**

**FORM AND COVERSHEET**

**RECEIVED**

**Jan 27 2022**

SC Court of Appeals

|                                                                                                                            |                                                                                                                                                                                                   |
|----------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Plaintiff's Attorney:<br>_____, Bar No. _____<br>Address:<br>_____<br>Phone: _____ Fax _____<br>E-mail: _____ Other: _____ | Defendant's Attorney:<br>Andrew K. Epting, Jr., Bar No. 1908<br>Address:<br>46A State Street, Charleston, SC 29401<br>Phone: 8433771871 Fax 8433771310<br>E-mail: ake@epting-law.com Other: _____ |
|----------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

- MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III)
- FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III)
- PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)

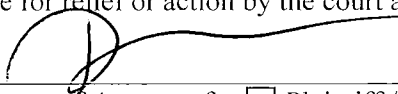
**SECTION I: Hearing Information**

Nature of Motion: \_\_\_\_\_  
 Estimated Time Needed: \_\_\_\_\_ Court Reporter Needed:  YES /  NO

**SECTION II: Motion/Order Type**

- Written motion attached
- Form Motion/Order

I hereby move for relief or action by the court as set forth in the attached proposed order.

  
 \_\_\_\_\_ 10-3-18  
 Signature of Attorney for  Plaintiff /  Defendant Date submitted

**SECTION III: Motion Fee**

- PAID – AMOUNT: \$ \_\_\_\_\_
- EXEMPT: (check reason)
  - Rule to Show Cause in Child or Spousal Support
  - Domestic Abuse or Abuse and Neglect
  - Indigent Status  State Agency v. Indigent Party
  - Sexually Violent Predator Act  Post-Conviction Relief
  - Motion for Stay in Bankruptcy
  - Motion for Publication  Motion for Execution (Rule 69, SCRCP)
  - Proposed order submitted at request of the court; or,  
 reduced to writing from motion made in open court per judge's instructions
- Name of Court Reporter: \_\_\_\_\_
- Other: \_\_\_\_\_

**JUDGE'S SECTION**

Motion Fee to be paid upon filing of the attached order. JUDGE CODE \_\_\_\_\_  
 Other: \_\_\_\_\_ Date: \_\_\_\_\_

**CLERK'S VERIFICATION**

Collected by: \_\_\_\_\_ Date Filed: \_\_\_\_\_  
 MOTION FEE COLLECTED: \$ \_\_\_\_\_  
 CONTESTED – AMOUNT DUE: \$ \_\_\_\_\_

2/10/18 -  
original sealed  
& placed in redacted

**STATE OF SOUTH CAROLINA  
COUNTY OF CHARLESTON**

**IN THE COURT OF COMMON PLEAS  
FOR THE NINTH JUDICIAL CIRCUIT**

TONY A. BILLIPS, individually and as a  
derivative shareholder of Alex's Restaurants,  
Inc.

**CASE NO. 2016-CP-10-06265**

Plaintiff,

v.

**CONSENT ORDER TO SEAL**

CAROLYN BILLIPS, individually and as  
Trustee for the benefit of Anthony Billips,  
William Casey Ivey, and Alex Billips, and as  
controlling person of Alex's Restaurants, Inc.

and

ALEX'S RESTAURANTS, INC.,

Defendants.

**RECEIVED**

**Jan 27 2022**

**SC Court of Appeals**

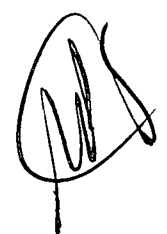
FILED  
2018 DEC 13 PM 1:35  
JULIE A. ALLEN, CLERK  
CLERK OF COURT

THIS MATTER COMES BEFORE ME by consent of the parties for an Order pursuant  
to SCRPC Rule 41.1, to seal certain documents;

WHEREAS, Plaintiff filed a Motion to Quash and for a Protective Order on August 13,  
2018 and a Memorandum in Support of his motion along with exhibits on September 6, 2018;

WHEREAS, a hearing was held before this Court on September 10, 2018 on Plaintiff's  
Motion to Quash and for a Protective Order;

WHEREAS, during the September 10 hearing, the Parties consented on the record to the  
redaction and sealing of portions of the deposition transcript of John Freeman taken August 13,  
2018, portions of Exhibit C "Deposition Transcript of John Freeman" to Plaintiff's  
Memorandum filed in support of the Motion to Quash on September 6, 2018, and a portion of the  
transcript of the September 10, 2018 hearing before the Honorable Mikell R. Scarborough as  
follows:



Deposition Transcript of John Freeman dated August 13, 2018:

Page:Line

- 30:1-33:25;
- 35:9-10;
- 41:21-22

September 10, 2018 Hearing before the  
Honorable Mikell R. Scarborough Transcript:

Page:Line

- 26:2-3

Exhibit C “Deposition Transcript of John Freeman”  
to Plaintiff’s Memorandum filed in support of the  
Motion to Quash on September 5, 2018:

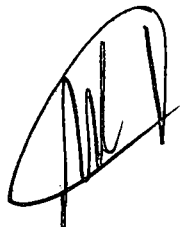
Page:Line

- Page(s) 32, 33, and 34.

NOW, THEREFORE, by agreement of the parties,

IT IS HEREBY ORDERED as follows:

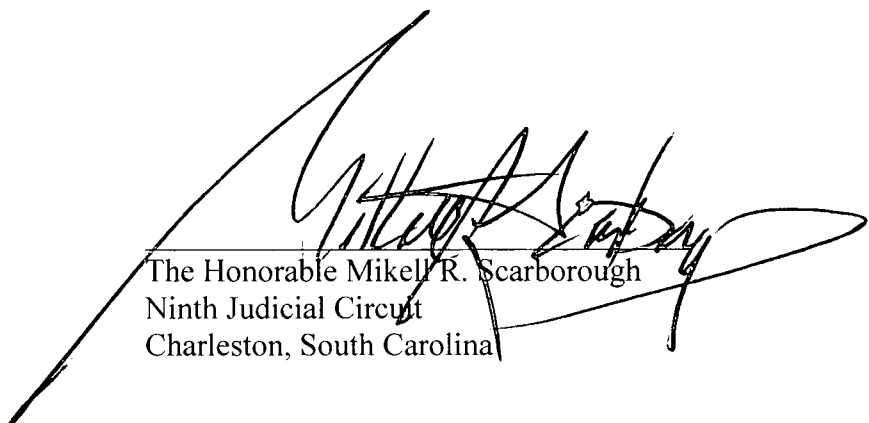
1. That portions of (i) the deposition transcript of John Freeman taken August 13, 2018, (ii) of Exhibit C “Deposition Transcript of John Freeman” to Plaintiff’s Memorandum filed in support of the Motion to Quash on September 6, 2018, and (iii) of the transcript of the September 10, 2018 hearing shall be redacted and sealed by the Clerk as stated above;
2. The clerk shall rescind the filing of the memorandum in support of Plaintiff’s Motion to Quash, filed September 6, 2018, removing both the paper and electronic versions of the filing from the Court’s docket, and replace the filing with the redacted version provided by Defendants’ counsel with the relevant portions placed under seal in an envelope provided by Defendants, as discussed on the record before this Court;



3. Only counsel of record may have copies of the original unredacted version of the exhibits;
4. The Parties shall not refer to the sealed portion of the filing, the sealed portion of the transcript of the September 10 hearing before this Court, or any subsequently sealed materials in the future, unless that reference is itself made confidential and/or, if filed, filed under seal.

AND IT IS SO ORDERED.

This 7<sup>th</sup> day of Dec, 2018



The Honorable Mikell R. Scarborough  
Ninth Judicial Circuit  
Charleston, South Carolina

**ANDREW K. EPTING, JR., LLC**

ATTORNEYS AT LAW

ANDREW K. EPTING, JR. · AKE@EPTING-LAW.COM

JAAN G. RANNIK · JGR@EPTING-LAW.COM



October 3, 2018

**VIA EMAIL & US MAIL**

The Honorable Mikell R. Scarborough  
Charleston County Master In Equity  
100 Broad Street  
Charleston, SC 29401

RE: *Tony A. Billips v. Carolyn A. Billips and Alex's Restaurants, Inc.*  
Case No.: 2016-CP-32-6265

Dear Judge Scarborough:

Enclosed for your consideration is a proposed Order regarding the sealing of certain records, as agreed to by the Parties on the record at the last hearing before Your Honor in this case. The \$25.00 motion fee is likewise enclosed, and Counsel for Plaintiff is copied with this letter.

Should the Order meet your approval, we would be grateful if you should sign it and return a file-stamped copy to our office in the self-addressed, stamped envelope provided.

I also enclose a courtesy copy of a motion being filed today in this matter.

With thanks and kindest regards,

**ANDREW K. EPTING, JR., LLC**

*Drew*

Andrew K. Epting, Jr.  
AKE,Jr./jgr

Enclosures as stated

cc: O. Grady Query, Esquire (*via email, with enclosures*)  
Mike Ellis, Esquire (*via email, with enclosures*)