

The South Carolina Court of Appeals

Richard A. Harpootlian, Respondent,

v.

South Carolina Department of Commerce; Secretary Robert Hitt in his official capacity; Coordinating Council for Economic Development; and Director Daniel Young in his official capacity, Defendants,

of which South Carolina Department of Commerce and Coordinating Council for Economic Development are the Appellants.

Appellate Case No. 2021-000794

ORDER

Appellants and Respondent have filed a joint motion pursuant to Rules 260(b) and 261(d), SCACR, to vacate a portion of the circuit court's order and dismiss this appeal. Rule 261(d) provides that the parties "may request vacation of opinions, orders, decisions and judgments previously issued in the matter" as part of a settlement agreement, but the agreement "must set forth the facts that warrant this extraordinary relief." Here, Appellants appealed the circuit court's finding that they could not withhold or redact certain documents under the Freedom of Information Act (FOIA) by relying on the "confidential and proprietary exemption" pursuant to S.C. Code Ann. § 34-4-40(a)(5)(c). The parties now explain that as a result of settlement negotiations, Appellants are updating their FOIA policy as it relates to this exemption, which the parties maintain will provide greater clarity and transparency to the public. The parties further assert good cause supports the requested relief because it would "preserve limited judicial resources and also preserve the parties' time and economic resources."

After careful consideration of the motion and the underlying order, the joint motion is granted. Accordingly, this appeal is dismissed and the portion of the circuit

court's order granting Respondent summary judgment as to Appellants' reliance on "the confidential and proprietary exemption" under section III.B of the order is vacated.

Paul W. Thomas

_____ J.

Stephen T. McDonald

_____ J.

3/2/22

_____ J.

Columbia, South Carolina

cc:
John William Roberts, Esquire
Randolph Russell Lowell, Esquire
Tracey Colton Green, Esquire
Richard A. Harpootlian, Esquire
Christopher Phillip Kenney, Esquire

FILED
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