

STATE OF SOUTH CAROLINA)

COUNTY OF CHARLESTON)

Town of Mount Pleasant, SC)

Plaintiffs,)

vs.)

Post & Courier, Channel 5 News, and
Charleston City Paper)

Defendants.)

IN THE COURT OF COMMON PLEAS

CIVIL ACTION COVERSHEET

2019 - CP - 10 - 2596

(Please Print)

Submitted By: Julia P. Copeland
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NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing. It must be filled out completely, signed, and dated. A copy of this cover sheet must be served on the defendant(s) along with the Summons and Complaint.

DOCKETING INFORMATION (Check all that apply)

*If Action is Judgment/Settlement do not complete

- JURY TRIAL demanded in complaint.
- NON-JURY TRIAL demanded in complaint.
- This case is subject to ARBITRATION pursuant to the Circuit Court Alternative Dispute Resolution Rules.
- This case is subject to MEDIATION pursuant to the Circuit Court Alternative Dispute Resolution Rules.
- This case is exempt from ADR (certificate attached).

NATURE OF ACTION (Check One Box Below)

- Contracts**
- Constructions (100)
 - Debt Collection (110)
 - Employment (120)
 - General (130)
 - Breach of Contract (140)
 - Other (199)

- Torts - Professional Malpractice**
- Dental Malpractice (200)
 - Legal Malpractice (210)
 - Medical Malpractice (220)
 - Other (299)

- Torts - Personal Injury**
- Assault/Slander/Libel (300)
 - Conversion (310)
 - Motor Vehicle Accident (320)
 - Premises Liability (330)
 - Products Liability (340)
 - Personal Injury (350)
 - Other (399)

- Real Property**
- Claim & Delivery (400)
 - Condemnation (410)
 - Foreclosure (420)
 - Mechanic's Lien (430)
 - Partition (440)
 - Possession (450)
 - Building Code Violation (460)
 - Other (499)

- Inmate Petitions**
- PCR (500)
 - Sexual Predator (510)
 - Mandamus (520)
 - Habeas Corpus (530)
 - Other (599)

- Judgments/Settlements**
- Death Settlement (700)
 - Foreign Judgment (710)
 - Magistrate's Judgment (720)
 - Minor Settlement (730)
 - Transcript Judgment (740)
 - Lis Pendens (750)
 - Other (799)

- Administrative Law/Relief**
- Reinstate Driver's License (800)
 - Judicial Review (810)
 - Relief (820)
 - Permanent Injunction (830)
 - Forfeiture (840)
 - Other (899)

- Appeals**
- Arbitration (900)
 - Magistrate-Civil (910)
 - Magistrate-Criminal (920)
 - Municipal (930)
 - Probate Court (940)
 - SCDOT (950)
 - Worker's Comp (960)
 - Zoning Board (970)
 - Administrative Law Judge (980)
 - Public Service Commission (990)
 - Employment Security Comm (991)
 - Other (999)

- Special/Complex/Other**
- Environmental (600)
 - Automobile Arb. (610)
 - Medical (620)
 - Pharmaceuticals (630)
 - Unfair Trade Practices (640)
 - Other (699)

Submitting Party Signature: _____

Date: May 15, 2019

Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRCF, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. §15-36-10 et. seq.

2019 MAY 15 PM 3:18
FILED
JULIA P. COPELAND
CLERK OF COURT

FOR MANDATED ADR COUNTIES ONLY

Florence, Horry, Lexington, Richland, Greenville**, and Anderson**

** Contact Respective County Clerk of Court for modified ADR Program Rules

SUPREME COURT RULES REQUIRE THE SUBMISSION OF ALL CIVIL CASES TO AN ALTERNATIVE DISPUTE RESOLUTION PROCESS, UNLESS OTHERWISE EXEMPT.

You are required to take the following action(s):

1. The parties shall select a neutral within 210 days of filing of this action, and the Plaintiff shall file a "Stipulation of Neutral Selection" on or before the 224th day after the filing of the action. If the parties cannot agree upon the selection of the neutral within 210 days, the Plaintiff shall notify the Court by filing a written "Request for the Appointment of a Neutral" on or before the 224th day after the filing of this action. The Court shall then appoint a neutral from the Court-approved mediator/arbitrator list.
2. The initial ADR conference must be held within 300 days after the filing of the action.
3. Case are exempt from ADR only upon the following grounds:
 - a. Special proceeding, or actions seeking extraordinary relief such as mandamus, habeas corpus, or prohibition;
 - b. Cases which are appellate in nature such as appeals or writs of certiorari;
 - c. Post Conviction relief matters;
 - d. Contempt of Court proceedings;
 - e. Forfeiture proceedings brought by the State;
 - f. Cases involving mortgage foreclosures; and
 - g. Cases that have been submitted to mediation with a certified mediator prior to the filing of this action.
4. Motion of a party to be exempt from payment of neutral fees due to indigency should be filed with the Court within ten (10) days after the ADR conference had been concluded.

**Please Note: You must comply with the Supreme Court Rules regarding ADR.
Failure to do so may affect your case or may result in sanctions.**

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT

TOWN OF MOUNT PLEASANT,

Case No. 2019-CP-10- 2596

Plaintiffs,

SUMMONS

vs.

POST & COURIER, CHANNEL 5 NEWS,
AND CHARLESTON CITY PAPER,


Defendants.

FILED
2019 MAY 15 PM 3:18
JULIE J. ARMSTRONG
CLERK OF COURT
BY _____

TO: THE RESPONDENTS/DEFENDANTS ABOVE NAMED:

YOU ARE HEREBY SUMMONED and required to answer the Verified Request for Relief in this action, a copy of which is herewith served upon you, and to serve a copy of your Answer to said Verified Request for Relief on the subscriber at their office located at 100 Ann Edwards Lane, Mt. Pleasant, South Carolina 29464, within thirty (30) days after the service hereof, exclusive of the day of such service; and if you fail to answer the Verified Request for Relief within the time aforesaid, the Plaintiff in this action will apply to the Court for a judgment by default for the relief demanded in this Verified Request for Relief.

HINCHEY MURRAY & PAGLIARINI, LLC



Julia P. Copeland
James J. Hinchey, Jr.
David G. Pagliarini
56 Folly Road Blvd.
Charleston, SC 29407
843-577-7455

Charleston, South Carolina
May 15, 2019

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

TOWN OF MOUNT PLEASANT,

Plaintiffs,

vs.

POST & COURIER, CHANNEL 5 NEWS,
AND CHARLESTON CITY PAPER,

Defendants.

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT

Case No. 2019-CP-10-

2596

**VERIFIED REQUEST FOR
IN CAMERA HEARING and FOIA
RELIEF
(Pursuant to SC Code Ann. § 30-4-110(A))**

FILED
2019 MAY 15 PM 3:18
BY JULIE J. ARMSTRONG
CLERK OF COURT

The Petitioner/Complainant, complaining of the Defendants, would allege unto this Honorable Court the following, to wit:

1. The Petitioner/Complainant, the Town of Mount Pleasant, ("Town") is a South Carolina municipal corporation created and existing pursuant to S.C. Code Ann. § 5-7-10, *et seq.*, and wholly located within Charleston County, South Carolina. The Town, as a South Carolina municipality, is a public body subject to the South Carolina Freedom of Information Act in accordance with S.C. Code Ann. § 30-1-20(a).

2. Upon information and belief, the Respondents/Defendants, are news organizations operating within Charleston County and are employed by local media outlets, Channel 5 and Post and Courier, respectively.

3. On or about October of 2018, a juvenile was allegedly attacked by another student in the classroom. The parent of the victim, a council member, received a call from the child and immediately drove to the school, and demanded the police department document the attack in an incident report.

4. Seven months later, on or about April 8, 2019, the Town's Mayor requested via the

Freedom of Information Act a copy of the incident report.

5. The Town, in an effort to protect the identity of the juvenile victim, redacted both victim's name and the name of the parent, and released the report to the Mayor on or about April 23, 2019 pursuant to the Freedom of Information Act.

6. The following week, on April 26, 2019, the Town received a letter from an attorney representing the minor child, indicating that any release, directly or indirectly, of this report that would disclose the name of the minor child, would subject the Town, as well as any individual responsible to civil liability.

7. On May 3, 2019, the Town received several requests under the Freedom of Information Act, seeking a copy of a specific incident report by number, and as it related to a specifically named council member, and any and all email communication between council members and legal counsel for the Town.

8. This information is exempt from disclosure pursuant to FOIA and/or prohibited from public disclosure in accordance with S.C. Code Sec.63-19-2030, including but not limited to (i) the names of minors, (ii) attorney-client privileged information, and (iii) other third party privacy or property interests.

9. Upon information and belief, despite the exemplary purpose behind FOIA – to promote transparency in local government – it is the Town's belief that the primary motivation behind this request is political intrigue at the expense of a minor child's right to privacy.

PRAYER

WHEREFORE, the Complainant/Petitioner prays that this Honorable Court inquire into the facts and matters alleged herein during an *in camera* session in order to protect the name of the minors named in this report and to issue its DECREE as follows:

(A) To determine that the report, and any information related to its disclosure, as requested, and the information therein is exempt from disclosure;

(B) The purpose of this request is not suitable to justify its release and potential damage to the minors involved with its disclosure, and,

(C) For such other and further relief as this Court may deem proper.



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jcopeland@lawyershmp.com

Charleston, South Carolina
May 15, 2019.

2019-CP-10- 2596
CERTIFICATE OF SERVICE

The undersigned hereby certified that on this ____ day of May 2019, true copies of the foregoing VERIFIED REQUEST FOR *IN CAMERA* HEARING and FOIA RELIEF has been served upon opposing counsel by personal delivery to:

The Post and Courier
134 Columbus St.
Charleston, SC 29403

Live 5 News
2126 Charlie Hall Blvd.
Charleston, SC 29414

Charleston City Paper
1316 Rutledge Avenue
Charleston, SC 29403



HINCHEY MURRAY & PAGLIARINI