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Jun 19 2023

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Appellate Case No.: 2021-000778

Vasile Florin Craus, Employee,Appellant,

vs.

NUTRA Manufacturing, Inc., Employer, and
Sentry Casualty Company, Carrier Respondents.

RESPONDENTS' RETURN TO APPELLANT'S MOTION FOR HEARING

Respondents, by and through their undersigned counsel, hereby respectfully submit this return to Appellant's "motion for the hearing including removal Claimant's workers' compensation case from portal public institutions, and removal defendants defense attorney assistant John Gabriele Coggiola (expert) from Claimant workers' compensation case" (hereinafter "motion").

Respondents contend that Appellant's motion fails to present any clear, concise, or cogent arguments. To the best of their ability, Respondents discern there are two (2) main issues Appellant attempts to address in his motion, which Respondents will respond to individually in the argument sections below. However, in addition to the arguments below, Respondents feel it necessary to issue a blanket denial and objection to the procedure and substance of Appellant's entire litany of unfounded allegations included in his motion, which Respondents contend are tantamount to libel.

ARGUMENT

I. Appellant fails to cite any authority in support of his request to remove his case from public access to protect “sensitive information” that was submitted by Appellant himself, without any redaction, in the record on appeal.

In his motion, Appellant first seems to argue that counsel for Respondents submitted documents that contained sensitivity information, including workers’ compensation forms and medical records without consent of Appellant, and without placing Appellant on notice that case information would be exposed to public view. Respondents first argue that Appellant has not cited any rules, authority, or precedent in support of his claim that Respondents owed any duty to Appellant to educate him in the public nature of court filings.¹

More importantly, Respondents submit that any and all materials containing potentially sensitive information that were uploaded to C-Track were *uploaded by Appellant, not Respondents*. (Emphasis added). Other than identify matters by title to be included in the record on appeal in their designation of matter, Respondents did not upload any medical records or workers’ compensation forms to C-Track or any other forum that would leave them susceptible to viewing by the public. Appellant, as required by Rule 210, SCACR, is the one who prepared and filed both a record on appeal and an amended record on appeal with this Court. Further, Appellant did so without redacting any sensitive material, including his own medical information and social security number. Therefore, Respondents are wholly unaware of how they could be held responsible for any type of privacy violation, including but not limited to HIPPA violations.

Despite the fact that it was Appellant himself that prepared, filed, and uploaded the record on appeal and the amended record on appeal, without any redactions, he now insists that this Court remove the case from any public portal, presumably C-Track. Appellant again cites no rule, authority, or precedent in support of this request. Further, Respondents dispute this request,

¹Although Appellant never mentions it specifically, Respondents presume Appellant is referring to documents available for viewing through “C-Track,” the South Carolina Appellant case management system.

and counsel for Respondents and their clients need access to C-Track for proper handling of the appeal. Even if access to C-Track is somehow restricted from public view, which Respondents have never seen in their years of practicing before this Court, Respondents contend that at a minimum, as attorneys of record, counsel for Respondents should be allowed unrestricted access to C-Track and the documents filed in relation to this case.

II. Appellant fails to cite any authority in support of his request to remove Respondents' Attorney, J. Gabriel Coggiola, from the case.

Appellant again fails to cite any rules, authority, or precedent in his second unusual request for the removal of Respondents' attorney, Gabe Coggiola, from the case. Attorney Coggiola was properly added as an attorney of record in this case and has been actively participating in the case since June of 2022.

With the exception of unsupported and unfounded allegations of fraud, perjury and the fabrication of evidence, which Respondents again assert are tantamount to libel, Appellant does not point out any actual reason for this Court to remove attorney Coggiola as an attorney of record in this case.

III. Respondents renew their previous requests for dismissal of this case.

Respondents contend that the current motion is yet another example in a litany of previous filings by Appellant that demonstrates a blatant disregard for the rules and practice of this Court. For those reasons, and reasons stated in Respondents' previous motion to dismiss, Respondents renew their request for the Court's dismissal of this case.

CONCLUSION

For the reasons set forth above, Respondents respectfully request that this Court deny any and all requests made in Appellant's current motion. Further, Respondents renew their request

for this Court's dismissal of this case.



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June 16, 2023
Columbia, South Carolina

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PROOF OF SERVICE

I certify that I have served **Respondents Return to Appellant's Motion** by electronic mail on the Honorable Jenny Abbott Kitchings, Clerk of Court of the South Carolina Court of Appeals at ctappfilings@sccourts.org, and Appellant Vasile Florin Craus at floriano_craus@yahoo.it.

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June 19, 2023

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Re: Vasile Florin Craus v. NUTRA Manufacturing, Inc., et al.
Appellate Case No. 2021-000778

Dear the Honorable Ms. Kitchings:

Pursuant to Rule 240(e), SCACR, enclosed for electronic filing please find Respondents' Return to Appellant's Motion for Hearing, along with proof of service for the same.

If you have any questions or concerns, please do not hesitate to contact me. Thank you for your attention to this matter.

With kindest regards,

WILLSON JONES CARTER & BAXLEY, P.A.

John Gabriel Coggiola

JGC/jgc

Enclosures: Respondents' Return to Appellant's Motion
Proof of Service

cc: Mr. Vasile Florin Craus (via email)
Ms. Jessie Singer (via email)