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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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SC Court of Appeals

APPEAL FROM LEXINGTON COUNTY
Court of Common Pleas

William P. Keesley, Successor Circuit Court Judge

Case No. 2013-CP-32-01272

Case No. 2014-CP-32-00399

Appellate Case No. 2015-001821

APPEAL FROM THE WORKERS' COMPENSATION COMMISSION

WCC Case No. 0506205

Alexander Guice, Employee, Appellant,

v.

US Foodservice, Inc., Employer, and
Ace American Insurance Company, c/o
Gallagher Bassett Services, Inc., Respondents.

**MOTION TO DISMISS APPEAL FOR WANT OF
SUBJECT MATTER JURISDICTION**

Please take notice that ALEXANDER GUICE, the undersigned *pro se* Appellant, the Employee, Claimant, and Injured Worker (hereinafter, "Undersigned" or "Claimant", or "Employee" or "Injured Worker" or "Appellant"), presents this pleading in *propria persona* wherein pleadings are to be considered without regard to technicalities. Conley v. Gibson, 355 U.S. 41 at 48 (U.S. Sup. Ct. 1957). Pursuant to Rule 240(a) & (b), SCACR, and other applicable authorities, Appellant submits this "Motion to Dismiss", seeking RELIEF, and

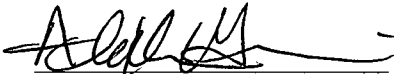
specifically, that this Court;

- (1) Deem the “Settlement Agreement and Release” allegedly entered into by the parties on December 22, 2005 unenforceable and the January 5, 2006 S.C. Workers’ Compensation Commission Order and Award “null and void *ab initio*”;
- (2) Deem all subsequent proceedings relying upon the January 5, 2006 Commission Order and Award before the Commission and the Circuit Court INVALID;
- (3) Dispense with further briefing in this matter;
- (4) **VACATE** the July 17, 2015 Circuit Court Order currently pending appeal on grounds of lack of subject matter jurisdiction;
- (5) **REMAND** this matter to the Circuit Court with explicit directives that the Circuit Court;
 - (i) **VACATE** S.C. Workers’ Compensation Commission Appellate Panel’s July 17, 2013 Decision and Order on grounds of lack of subject matter jurisdiction;
 - (ii) **REMAND** to the S.C. Workers’ Compensation Commission with explicit directives for the S.C. Workers’ Compensation Commission to;
 - (a) **VACATE** all orders issued in Workers’ Compensation Claim No. 0506205 on grounds of lack of subject matter jurisdiction;
 - (b) **VACATE** the January 5, 2006 Order and Award on grounds of lack of jurisdiction;
- (6) **ORDER** Respondents’, by operation of law, to immediately reinstate and release entitled Temporary Total Compensation/Disability (“TTC/TTD”) payments to Appellant, at the mutually agreed upon Average Weekly Wage of **\$1,161.00** per week, effective **November 3, 2005 to date** pursuant to S.C. Code Ann. § 42-9-260(B)(1) (Supp. 2005);

- (7) **ORDER** Respondents', by operation of law, to immediately release the entitled twenty five percent ("25 %") penalty on the unlawfully withheld TTC/TTD payments, from **November 3, 2005 to date** pursuant to S.C. Code Ann. § 42-9-260(G) (Supp. 2005); and
- (8) For any and such other RELIEF this Court deems just and proper.

The grounds in support of this motion are contained within the Memorandum in support of this Motion to dismiss; supporting evidentiary documents; and the Sworn Affidavit of Alexander Guice, attached hereto.

Respectfully submitted,

By: 
Alexander Guice
U.S. Citizen
Honorable Disabled Veteran
Post Office Box 13281
Tampa, FL 33681
(813) 562-0547
alguice@hotmail.com
Appellant, Pro Se

February 18, 2017

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM LEXINGTON COUNTY
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William P. Keesley, Successor Circuit Court Judge

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CERTIFICATE OF SERVICE

Pursuant to Rule 240(c)(1), SCACR, I hereby certify that I provided true copies of a cover letter; a "Motion to Dismiss Appeal for Want of Subject Matter Jurisdiction"; a "Memorandum In Support of Motion to Dismiss Appeal for Want of Subject Matter Jurisdiction" with supporting evidentiary attachments; a "Sworn Affidavit of Alexander Guice"; a "Declaration of Alexander Guice Voiding Settlement Agreement and Release dated 12/22/2005 and Notice of Demand for Entitled Temporary Total Disability Benefits and Payments"; and certificate of service, by depositing the same in the U.S. Postal Service, via priority mail, with sufficient priority postage affixed and mailed to: **Erin L. Hantske, Esquire P.O. Box 650007 Mt. Pleasant, SC 29465** on this 18th day of February 2017.

By:



Alexander Guice
P.O. Box 13281
Tampa, FL 33681
(813) 562-0547
alguice@hotmail.com
Appellant, *pro se*

February 18, 2017

Alexander Guice

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Phone: (813) 562-0547
Email: alguice@hotmail.com

February 18, 2017

Via Priority Mail

The Honorable Jenny A. Kitchings
Clerk of Court
South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

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SC Court of Appeals

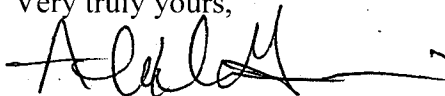
Re: Alexander Guice v. U.S. Foodservice, Inc., *et al*
Appellate Case No. 2015-001821

Dear Ms. Kitchings:

Please find enclosed with this cover letter an original and seven (7) copies of; A "Motion to Dismiss Appeal for Want of Subject Matter Jurisdiction"; a "Memorandum In Support of Motion to Dismiss Appeal for Want of Subject Matter Jurisdiction" with supporting evidentiary attachments; a "Sworn Affidavit of Alexander Guice"; an original of the original and seven (7) copies of a "Declaration of Alexander Guice Voiding Settlement Agreement and Release dated 12/22/2005 and Notice of Demand for Entitled Temporary Total Disability Benefits and Payments"; and Proof of service in regards to the above-entitled action. Please also find enclosed a \$25.00 Certified Money Order regarding the motion filing fee. Please forward to the appropriate personnel for processing, and please return clocked copies of the same to the undersigned in the pre-paid self-addressed envelope enclosed for your convenience.

By copy of this correspondence, Erin L. Hantske, Esq., the Respondents' Counsel of record, has been provided a copy of the same, via priority mail with enclosures. Should you have any questions, please do not hesitate to contact me. Thank you for your assistance in this matter.

Very truly yours,



Alexander Guice
Appellant/Claimant, *pro se*

/ag

Enclosures: As stated

cc: Erin L. Hantske, Esquire
Hon. Henry McMaster
Hon. Beth Drake
Hon. Alan Wilson
Mark Keel, Chief