

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM THE SOUTH CAROLINA  
WORKERS COMPENSATION COMMISSION

★VOLUNTARY REMANDED ★

APPELLATE PANEL

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Appellate Case No. 2019-000369  
Formerly 2018-001364  
W.C.C. File Nos. 1322451, 1319203, 1420487

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Terry H Capone,

Appellant,

v.

City of Columbia, Employer, and  
Companion Third Party Administrator, LLC, Carrier,

Respondents,

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DESIGNATION OF MATTER TO BE  
INCLUDED IN THE RECORD

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Appellant proposes the following Evidence be included in the Record on Appeal without prejudice, as it was previously provided to the Defendants and Court prior to the Voluntary Remand in the associated Appellate Case 2018-001364, which severely prejudiced the Appellant right to due process and the action caused irreparable harm, was arbitrary, capricious, abuse of discretion and was not in accordance with law, was taken without procedures required by law, and failed to address "any" of the Appellants claims and to incur excessive court cost and fees associated with filing a new appeal under a new appellate case number referenced above:

1. APPELLATE EXHIBIT -AE#1

February 15, 2018 Pre-hearing brief for WCC FILE No.: 1322451  
Notices of Witness and APA Submissions

**RECEIVED**

AUG 13 2019

SC Court of Appeals

2. APPELLATE EXHIBIT -AE#2  
February 13, 2018 Pre-hearing brief for WCC FILE No.: 1319203  
Notices of Witness and APA Submissions

3. APPELLATE EXHIBIT -AE#3  
January 24, 2018 Pre-hearing brief for WCC FILE No.: 1420487  
Notices of Witness and APA Submissions

4. APPELLATE EXHIBIT -AE#4  
July 18, 2018 Appellate Case No.: 2018-001364  
W.C.C. File Nos. 1322451, 1319203, 1420487  
Initial Brief of Appellate

5. APPELLATE EXHIBIT -AE#5:  
August 11, 2018 Appellate Case No.: 2018-001364  
W.C.C. File Nos. 1322451, 1319203, 1420487  
Appellate Return To Motion To Dismiss Appeal - Crime Fraud Exception, Fraud On The Court, "Active Concealment For Fraud In Real Property" 15-3-670 (C) (1) (2) And Others regarding the above-referenced matters.

6. APPELLATE EXHIBIT -AE#6:  
September 21, 2018 WCC File Nos.: 1322789, 1719990, 1423445, 1519702, 1503655  
Object to the Defendants Attorney's office requesting my providers under threat, duress and coercion of a Subpoena provide them with my protected health information based on the fact that their request has been made under an Unlawful and Invalid procedures and law. In addition, it is in direct violation Pursuant 67-214, 67-215, Federal and South Carolina Rules of Civil Procedure to include 45, 45 C.F.R 164.512 9 (3) (A) (HIPAA) , Constitutional protected and Fundamental rights guaranteed and any other authority's of law. The hearing in this matter was held July 2, 2018, that included an additional forty- Five (45) days to request additional discovery and present evidence beginning July 3, 2018 and ended August 16, 2018, presumably 11:59 pm when the record closed and is a case of fraud.

7. October 1, 2018 WCC File Nos.: 1322789, 1719990, 1423445, 1519702, 1503655  
Memorandum of Points and Authorities in this Notice of Motion and Motion to Quash All Letters And Subpoenas (*All Defective Authorizations and Combined Authorizations*) Requesting Protected Health Information And Provide An Order For Protection And Sanctions Based On Fraud Upon The Court, *Denial Of Procedural Due Process* and Others And Do What The Law Commands, In The Above Referenced Matters, Pursuant to R 19-11-95, 42-15-95, 42-9-440, 67-214, 67-215, 67-1301, South Carolina Rules of Civil Procedure 11(A), 16, 41(B), 45(2)(B), 3 (A) (I) (III) (IV), The Health Insurance Portability and Accountability Act of 1996 (HIPAA) and accompanying regulations, 45 CFR § 164.501, 45 CFR § 164.502 (a) (2) (II), 45 CFR § 164.506-.512, 45CFR § 164.512(e), 45 C.F.R. § 164.524, 45 CFR §164.532 and others

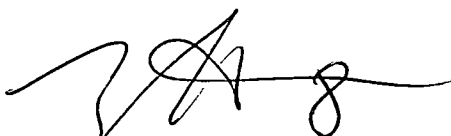
8. APPELLATE EXHIBIT –AE#7:  
October 5, 2018 W.C.C. File Nos. 1322451, 1319203, 1420487  
Notice to Take Judicial Notice

APPELLATE EXHIBIT-AE#8:  
August 6, 2018 WCC File Nos.: 1322789, 1719990, 1423445, 1519702, 1503655  
Amended Pre-Hearing Brief and Notice of Witnesses and Written Medical Reports

APPELLATE EXHIBIT-AE# 9  
October 10, 2018 WCC File Nos. 1322451, 1319203, 1420487  
Amended Informal Appellate Brief –Voluntary Remand by Full Commission.

10. APPELLANT EXHIBIT –AE#10:  
May 21, 2018 SC Court of Appeals- Appellate Case No.: 2019-000369  
Return to motion in opposition to dismiss appeal

I certify that this designation contains no matter which is irrelevant to this appeal



Terry H Capone, Pro Se Appellant.

**Note: All stated herein have been provided to the defendants through their Attorneys and Court through previous submittals without prejudice.**

Mr. Terry H Capone  
Fire Battalion Chief-Retired  
130 Summerlea Drive  
Columbia, South Carolina 29203  
(803) 622-6578  
tcapone@liberty.edu  
Pro Per, Appellant

August 12, 2019

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM THE SOUTH CAROLINA  
WORKERS' COMPENSATION COMMISSION  
APPELLATE PANEL

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SC Court of Appeals

Appellate Case No. 2019-000369  
W.C.C. File Nos. 1322451, 1319203, 1420487

Terry Capone, ..... Appellant,

v.

City of Columbia, Employer, and  
Companion Third Party Administrator, LLC, Carrier, ..... Respondents.

**PROOF OF SERVICE**

I certify this 13<sup>th</sup> day of August 2019 that I have served copies of the APPELLANT  
REPLY BRIEF and APPELLANTS' DESIGNATION OF MATTER TO BE INCLUDED

IN THE RECORD ON APPEAL by mailing same, postage prepaid in the United States mail,

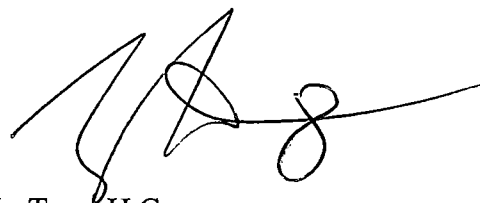
addressed to the following:

Cynthia C Dooley Attorney  
Camelo B Sammataro Attorney  
Turner Padgett Graham & Laney  
P.O. Box 1473  
Columbia, SC 29202

ATTORNEYS FOR RESPONDENTS

(Signature page to follow.)

August 12, 2019

A handwritten signature in black ink, appearing to be 'T. Capone', written in a cursive style with a long horizontal stroke extending to the right.

By: Mr. Terry H Capone  
Fire Battalion Chief-Rtired  
130 Summerlea Drive  
Columbia, SC 29203  
[tcapone@liberty.edu](mailto:tcapone@liberty.edu)

PRO PER APPELLANT



RETIRED

August 12, 2019

US MAIL DELIVERY OR PERSONAL SERVICE

The Honorable Jenny Abbott Kitchings, Clerk  
South Carolina Court of Appeals  
1220 Senate Street  
Columbia, SC 29201

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AUG 13 2019

SC Court of Appeals

Re: Terry Capone v. City of Columbia and Companion Third Party Administrator, LLC  
Appellate Case No.: 2019-000369  
W.C.C. File Nos. 1322451, 1319203, 1420487

Dear Ms. Kitchings:

Enclosed please find the originals and one copy each of the Appellants Reply Brief, and Appellants' Designation of Matter to be included in the Record on Appeal, and Proof of Service regarding the above-referenced matter. I am not a lawyer. Thank you for your assistance with this matter, please contact me if you have any questions.

Thank you for your consideration.

With The Highest Regards,

Enclosures

Cc: Cynthia C Dooley & Carmelo B. Sammataro

Mr. Terry H. Capone  
Fire Battalion Chief-Retired  
130 Summerlea Drive  
Columbia, SC 29203  
803.622.6578  
Email: [tcapone@liberty.edu](mailto:tcapone@liberty.edu)