

1 Mr. Terry H Capone
2 Fire Battalion Chief-Retired
3 130 Summerlea Drive
4 Columbia, SC 29203
5 803-622-6578
6 Email: tcapone@liberty.edu
7 Plaintiff In Propria Persona (Pro Per)

8 **THE STATE OF SOUTH CAROLINA**
9 **IN THE COURT OF APPEALS**
10 Appellate Case No.: 2019-000369

11 Terry H Capone,
12 Appellant, (Pro Per)
13 vs.
14 City of Columbia, *et al.*,
15 Respondent.

16)
17) **PLAINTIFFS' MOTION TO**
18) **JOIN ADDITIONAL PARTIES**
19) **DEFENDANTS TO SUIT**

20)
21)
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23)
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26)
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28)
NOTED : April 1, 2020

18 Plaintiff in Pro Per Terry H Capone, moves the court pursuant to Rule 21 of the Federal Rules
19 of Civil Procedure through Motion To Join Additional Parties Defendants to enter its order joining as
20 additional parties Respondent /defendant the following entity/persons, as to they have been included
21 in previous complaint of the matters and are integral and intrinsically entwined in the above in titled
22 action:
23

24 RICHLAND COUNTY, "THE COUNTY", SOUTH CAROLINA
25 Richland County Ombudsman's Office
26 South Carolina Richland County Administration Building
27 2020 Hampton Street., Third Floor Columbia, SC 29204

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SC Court of Appeals

ARGUMENT


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3 Rule 21 provides that parties may be added by order of the court at any time. Absent
4 prejudice to an existing party, undue delay, or bad faith, leave to add should be freely and routinely
5 given. *FTD Corp. v. Banker's Trust Co.*, 954 F. Supp. 106, 109 (S.D.N.Y. 1997). See also *Helene*
6 *Curtis Industries, Inc. v. Sales Affiliates, Inc.*, 105 F. Supp. 886, 901 (S.D.N.Y. 1952) (the addition of
7 parties is a “matter to be treated liberally”). As the Court observed in *Mullaney v. Anderson*, 342
8 U.S. 415, 417 (1952), a contrary rule “would entail needless waste and runs counter to effective
9 judicial administration.” See also *Charles Alan Wright et al.*, 7 *Federal Practice and Procedure* §
10 1681, 473 (3d ed. 2001) (Rule 21 “provides the courts with a valuable procedural device that can be
11 used to avoid multiple litigation and to promote liberal joinder of parties”).
12

13 New parties may even be added after trial. In *Mullaney v. Anderson*, for example, the Court allowed
14 nonresident fishermen to be added as party plaintiffs after defendants challenged on appeal the
15 standing of the existing plaintiff to raise the constitutional claims of nonresident fishermen against a
16 challenged territorial licensing scheme. The Court held that there was no prejudice and no impact on
17 the litigation caused by the addition since there were no new claims made by the added parties. 342
18 U.S. at 417. Granting Plaintiff’s motion at this stage would cause neither prejudice nor delay since
19 the Plaintiff does not seek to raise new claims.
20
21

22 23 24 25 **CONCLUSION**

26 Wherefore, plaintiff moves the Court to enter its order joining said additional parties
27 as defendant in this proceeding.
28

Respectfully submitted this 1st day of April, 2020.

By: 
Mr. Terry H. Capone
Fire Battalion Chief-Retired
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Columbia, South Carolina 29203
Email: tcapone@liberty.edu
(803) 622- 6578

Richland, South Carolina
April 1, 2020

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that he served the forgoing court copy referenced "Terry Capone v. City of Columbia SC Court of Appeals Appellant Case. No. 2019-000369

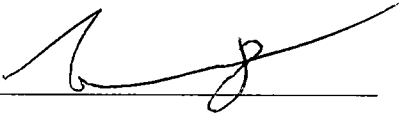
April 1, 2020 Appellant

1. Plaintiffs' Motion To Join Additional Parties Defendants

by depositing a copy of the same in the United States Mail Certified delivery, postage prepaid or better or personal delivery on April 1, 2020 to the following addressed to the Defendant Legal Representative known to be:

RICHLAND COUNTY, "THE COUNTY", SOUTH CAROLINA
Richland County Ombudsman's Office
South Carolina Richland County Administration Building
2020 Hampton Street., Third Floor Columbia, SC 29204

This 1st day of April 2020.



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

Columbia, South Carolina

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SC Court of Appeals



RETIRED

April 1, 2020

VIA US MAIL DELIVERY

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

Re: Terry Capone, Appellant, v. City of Columbia, Employer, and Companion Third Party Administrator, LLC,
Carrier, Respondent Case No.2019-000369

The Honorable Jenny Abbott Kitching, Clerk and SC Court of Appeals:

- Please see attached Motion to add parties and \$50.00 filing fee enclose

- I received a letter dated March 27, 2020, I have already served my final brief on appeal to the court and attorney and proof of service was provided to the Court, although neither have been shown online. Please locate the brief I delivered to the Court and Attorney Dooley

I am not a lawyer. Thank you for any consideration you may give my request

With Regards,

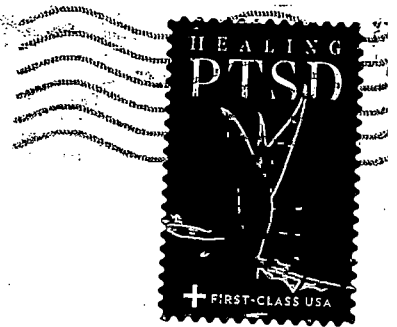
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Mr. Terry H Capone
170 Sumnerlea Drive
Columbia SC 29203

COLUMBIA SC 290

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SC Court of Appeals

To The Honorable Jenny A Kitchens, Clerk
SC Court of Appeals
~~1800 Senate Street~~ P.O. Box 11629
Columbia SC 29201

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