

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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**Apr 13 2020**

**SC Court of Appeals**

APPEAL FROM THE SOUTH CAROLINA  
WORKERS' COMPENSATION COMMISSION  
APPELLATE PANEL

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

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Terry H Capone, Claimant.....Appellant,

v.

City of Columbia, Employer, and

Companion Third Party Administrator, LLC, Carrier, .....Respondents.

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**APPELLANTS' NOTICE OF MOTION TO SEAL**

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**Comes Now**, Appellant Terry H Capone, In Propria Persona, Employee (hereinafter "Appellant"), hereby declares and asserts the Rights to which he is entitled. Preliminary understanding of the Court's authority is basic to the assertion of rights:

Appellant Capone In Pro Per, hereby moves this court to seal the Clerk of Courts File in the above referenced matters appealed from South Carolina Workers Compensation Commission.

Because the administrative record are so entwined and contain protected information, *e.g.* medical information, U.S. Department of Veterans confidential documents & decisions, the Respondents have been provided with unedited copies of this formation, Federal law Health Insurance Probability and Accountability Act of 1996 [HIPAA], Pub. L.No 104191

(1996)) (“[P]laintiff medical records will be sealed by the Clerk because federal law [HIPPA] treats medical records as confidential”). In addition the confidentiality is afforded by the South Carolina Workers Compensation Commission, all parties involved should be afforded the same procedural safe guards guaranteed by the Commission. The Appellate Pro Se is under disability, medication management and received no help in compiling these documents at the Courts request, in addition contains numerous errors. The confidentiality provided in a South Carolina Workers Compensation case and the rights of the parties’ overcome public Interest, as the irreparable harm contemplated would be too great and significant “overriding [governmental interest] based on findings that closure is essential to preserve higher values.” (Courthouse News, *supra*, 750 F.3d at 793 n. 9 (quotation marks and internal citations omitted). To make this showing, a part seeking secrecy must demonstrate both a “high probability” that this interest would be harmed if the documents were disclosed and that “there are no alternatives to closure that would adequately protect the compelling interest.” (Perry v. Brown, 667 F.3d 1078, 1088 (9th Cir. 2012) (internal quotation marks omitted). I should not have to give up my federal rights to privacy or the privacy/confidentiality covering of the South Carolina Workers’ Compensation Commission to assert/ pursue my rights in appeal.

“However inartfully pleaded, must be held to a less stringent standard than formal pleadings drafted by lawyers.” Erikson v. Pardus, 551 U.S. 89, 94 (2007) (Internal quotation omitted); Haines v. Kerner, 404 U.S. 519, 520 (1972). In addition, the court should “apply the applicable law, irrespective of whether a pro se litigant has mentioned it by name.” Higgins v. Beyer, 293 F.3d 683, 688 (3d Cir. 2002) (quoting Holley v. Dep’t of Veterans Affairs, 165 F.3d 244, 247-48 (3d Cir.1999)).

Wherefore, the Plaintiff respectfully requests the Court seal the Clerk of Courts administrative records/ all documents in the above referenced matters from public view.

By:



APPELLANT, *pro se*

April 10, 2020

Enclosure(s) as stated  
Cc: Cythia Dooley, Carmelo Sammataro  
Attorney's for Respondents (w/all enclosures)

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PROOF OF SERVICE

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

Terry H Capone, of Richland County, Pro Se Appellant.


I certify this 10<sup>th</sup> day of April 2020 that I have served a copy of the Appellants'

1. APPELANNTS NOTICE OF MOTION TO SEAL  
IN THE ABOVE REFERENCED MATTERS

on the Respondents by personal service or mailing same, postage prepaid in the United States mail,  
addresses to the following:

Cynthia C. Dooley, Esquire  
Carmelo Barone Sammataro, Esquire  
TURNER PADGET GRAHAM & LANEY P.A.  
P.O. Box 1473  
Columbia, SC 29202  
ATTORNEYS FOR RESPONDENTS

April 10, 2020

By:   
Mr. Terry H Capone  
130 Summerlea Drive  
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Email: [tcapone@liberty.edu](mailto:tcapone@liberty.edu)