

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM THE SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION
APPELLATE PANEL

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.

RETURN IN OPPOSITION TO APPELLANT'S MOTION
TO JOIN ADDITIONAL PARTIES DEFENDANTS TO
SUIT

RECEIVED
APR 13 2020
SC Court of Appeals

Respondents City of Columbia, Employer, and Companion Third Party Administrator, LLC, Carrier, ("Respondents") submit this return in opposition to the Motion to Join Additional Parties Defendants to Suit by Appellant Terry Capone ("Appellant").

In this appeal, Appellant *pro se* seeks review of the March 1, 2019 Full Commission Decision and Order denying benefits with regard to successive Forms 50 in S.C. W.C.C. File Nos. 1319203, 1322451, and 1420487. By way of motion filed on or after April 1, 2020, Appellant *pro se* now seeks leave¹ to add Richland County as a party to these proceedings. That motion should be denied for the simple reason that Richland County was never a party to any of the pertinent proceedings before the South Carolina Workers' Compensation Commission.

¹ Appellant *pro se* bases his motion on Rule 21 of the Federal Rules of Civil Procedure, which do not apply to the instant appeal.

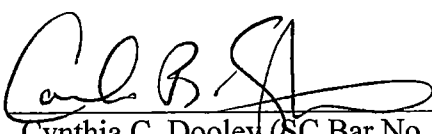
Going further, Appellant *pro se* never attempted to add Richland County as a party in the proceedings before the Commission, and there has been no finding in favor or against Richland County in the matters on appeal from which any proper appeal could be taken. As such, the motion should be denied.

The motion to add additional parties should be denied on the additional basis that adding new parties at this late stage will only result in further delay in concluding this matter. In the cover letter attached to his motion, Appellant *pro se* also notes he has “already served [his] final brief on appeal. . . .” While undersigned counsel acknowledges receipt of a filing styled as Final Brief of Appellant dated December 11, 2019; however, Appellant *pro se* has not served or filed the Record on Appeal. Respondents stand ready to serve and file their Final Brief once the Record on Appeal has been compiled and received. An order permitting the addition of new parties at this late date will necessitate additional briefing and delay.

CONCLUSION

For the reasons stated herein, Respondents respectfully submit that the motion of Appellant *pro se* to add additional parties should be denied.

April 9, 2020

By: 
Cynthia C. Dooley (SC Bar No. 13623)
Carmelo B. Sammataro (SC Bar No. 69746)
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ATTORNEYS FOR RESPONDENTS

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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WORKERS' COMPENSATION COMMISSION
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PROOF OF SERVICE

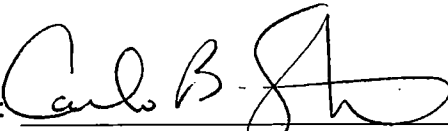
I certify this 9th day of April 2020 that I have served a copy of the RETURN TO APPELLANT'S MOTION TO JOIN ADDITIONAL PARTIES DEFENDANTS TO SUIT by mailing same, postage prepaid in the United States mail, addressed to the following:

Terry Capone
130 Summerlea Drive
Columbia, SC 29203

APPELLANT, *PRO SE*

(Signature page to follow.)

April 9, 2020

By: 
Cynthia C. Dooley (SC Bar No. 13623)
Carmelo B. Sammataro (SC Bar No. 69746)
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April 9, 2020

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

Re: Terry Capone v. City of Columbia and Companion Third Party Administrator, LLC
Appellate Case No.: 2019-000369
File No.: 15030.119

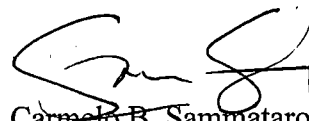
Dear Ms. Kitchings:

Enclosed please find the originals and one copy each of Respondents' Return in Opposition to Appellant's Motion to Join Additional Parties Defendants to Suit and Proof of Service regarding the above-referenced matter. Please file the original filings and return clocked copies to me via the enclosed envelope. Thank you for your assistance with this matter, and please contact me if you have any questions.

With kind regards, I am

Very truly yours,

TURNER, PADGET, GRAHAM & LANEY, P.A.


Carmelo B. Sammataro

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APR 13 2020

SC Court of Appeals

CBS/tj

Enclosures

cc: Terry Capone, Appellant *pro se* (w/enc.)

Turner Padget

P.O. Box 1473 Columbia, SC 29202

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The Honorable Jenny Abbott Kitchings, Clerk
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