

1 The Respondents City of Columbia, Employer, and Companion Third Party Administrator, LLC,
2 (“Respondents”) submitted a return in opposition to the Motion to Join Additional Parties Defendats
3 to Suit by Appellant Terry Capone (“Appellant”).
4

5
6 **ARGUMENT**

7 **SWORN DECLARATION OF TERRY H CAPONE**

8 STATE OF SOUTH CAROLINA §

9 COUNTY OF RICHLAND §

10 Pursuant to 28 U.S.C. 1746, I Terry H Capone, Fire Battalion Chief -Retired declare under
11 penalty of perjury that the foregoing is true and correct to the best of my knowledge,
12 information and belief: ACTUAL FACTS
13

- 14
15
16 1. This Court has evidence in its possession the Respondents and South Carolina Workers
17 Compensation Commission committed fraud Upon the Court at the original hearing August 21,
18 2015 and thereafter.
19
20 2. The December 2, 2015 Orders/Decision from the hearing h August 21, 2015 are VOID.
21
22 3. The South Carolina Workers Compensation Commission voluntarily Revested definition: v.
23 To Reinstate, Reinvest, vest anew, to return title to the possession of the original proprietor or
24 of the donor and in the process committed fraud Upon the Court, by not addressing any not one
25 of the none frivolous issues of the Appellant and only service a self serving purpose to address
26 their incompetence of not explaining their denial.
27
28

1 4. Turner Padget was hired to continue the Fraud Against me and the court and deprive me of
2 my property interest in my workers compensation benefits. Cindy C.Dooley and Carmelo B
3 Sammataro, the South Carolina Workers Compensation Commission and the Respondents
4 continue to violate my Federal Constitutional and state rights.
5

6 5. The Responds denied on the record no mold was in the stations. Richland County and The
7 City of Columbia denied the records on mold existed and did not release the records on mold
8 until years after the hearing and the Court and Commission was provided with those records.
9

10 6. Richland County and City of Columbia both pay for the Fire Department budget and both
11 have a reason to commit fraud upon the Court to not pay for injuries as a result of their lack of
12 care in the facilities.
13

14 7. The is issue was first thought to be just one of foot fungus, but long after the April 2015
15 hearing the respondents and the Richland County produced evidence to show toxic mold as in
16 the fire stations and this is what I was exposed too.
17

18 8. SC Code 15-3-640, specifically SC Code 15-3-670 Real Property –Areas of law based
19 upon defective or unsafe conditions of improvement to real property grants (8) years statue
20 establishes an outside limitation of 8 years after substantial completion of the improvement
21 (b) the injury was the result of exposure to a toxic or other substance overtime, instead of the
22 result of a sudden and fortuitous trauma , which is the cause of toxic mold her.
23
24
25

26 9. The South Carolina Constitution grants me the right to seek recourse, as the matters lie in
27
28

1 Equity.

2
3 10. Respondents and their attorneys are Estopped(Unclean Hands)(Hnads of one, is hands of
4 all), and continue to violate my right to due process, procedural due process and equal
5 protection under the law.
6

7
8 11. "All laws repugnant to the Constitution are null and void" Marbury v, Madison, 5 U.S.37
9 (1803)

10 Executed on April 23, 2020

11 Signed:

12
13
14 


15
16 Terry H Capone

17 STATE OF SOUTH CAROLINA
18 COUNTY OF RICHLAND

19
20 **CONCLUSION**

21 Wherefore, plaintiff moves the Court to enter its order joining said additional parties
22 as defendant in this proceeding, to include based on Fraud Upon the Court. i.e withholding evidence
23 material to the claim toxic mold in the fire stations.
24

25 Respectfully submitted this 23rd day of April, 2020.

26
27 By: 
28 Mr. Terry H. Capone
Fire Battalion Chief-Retired

130 Summerlea Drive
Columbia, South Carolina 29203
Email: tcapone@liberty.edu
(803) 622- 6578

Richland, South Carolina
April 23, 2020

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Apr 24 2020

SC Court of Appeals

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 23, 2020 Appellant

- Please see attached Appellant's Reply to Respondents Return in Opposition Motion for to Join Additional Parties Defendants' to Suit

by depositing a copy of the same in the United States Mail Certified delivery, postage prepaid or better or personal delivery on April 23, 2020 to the following addressed to the Defendant Legal Representative known to be:

Cythia C Dooley

P.O.Box 1473

Columbia, SC 29202

This 23th day of April 2020.

Columbia, South Carolina



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



RETIRED

April 23, 2020

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SC Court of Appeals

US MAIL DELIVERY OR PERSONAL SERVICE

The Honorable Jenny Abbott Kitchings, Clerk
South Carolina Court of Appeals
PO BOX 11629
Columbia, SC 29211

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 to Respondents Return In Oppositon to Motion to Join Additional Parties Defendants To Suit In The Above Referenced Matters 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

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