

# The South Carolina Court of Appeals

Terry Capone, Appellant,

v.

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

Appellate Case No. 2019-000369

---

## ORDER

---

First, Appellant's motion to join additional parties is denied.

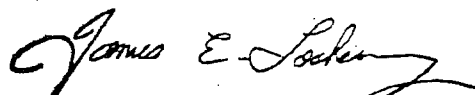
Second, Appellant's emergency motions to vacate and void judgment are denied. The merits of Appellant's appeal will be decided by a panel of judges after final briefing is complete.

Third, Appellant's motion to seal and amended motion to seal are denied. *Ex parte Capital U-Drive-It, Inc.*, 369 S.C. 1, 10, 630 S.E.2d 464, 469 (2006) ("Judicial proceedings and court records are presumptively open to the public under the common law, the First Amendment of the federal constitution, and the state constitution."); S.C. Const. art. I § 9 ("All courts shall be public . . ."); Rule 41.1, SCRCP (requiring a party asking to seal a record to identify, with specificity, the documents or portions of documents for which sealing is considered necessary, to include a non-confidential description of the documents, and to provide the Court a separately sealed attachment labeled "Confidential Information to be submitted to Court in Connection with the Motion to Seal," state the reasons why sealing is necessary, explain why less drastic alternatives to sealing will not afford adequate protection, and address the following factors: "(1) ensuring the parties' right to a fair trial or hearing; (2) the need for witness cooperation; (3) the reliance of the parties upon expectations of confidentiality of the proceeding; (4) the public or professional significance of the proceeding; (5) the perceived harm to the parties from disclosure; (6) why alternatives other than sealing the documents are not available to protect legitimate private interests; and (7) why the public interest,

including, but not limited to, the public health and safety, is best served by sealing the documents.").

Fourth, Appellant's emergency motions requesting the appointment of counsel are denied. *See Ex parte Dibble*, 279 S.C. 592, 596-97, 310 S.E.2d 440, 442-43 (Ct. App. 1983).

Fifth, Appellant's motion for an extension of time to serve the record on appeal is granted. Appellant shall serve the record on appeal and file a proof of service with this court by July 31, 2020.



---

FOR THE COURT

Columbia, South Carolina

cc:

Terry Capone

Cynthia C. Dooley, Esquire

Carmelo Barone Sammataro, Esquire

**FILED**  
**Jul 01 2020**

---