

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM THE SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION
APPELLATE PANEL

RECEIVED
JUL 31 2020
SC Court of Appeals

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 OF RESPONDENTS IN OPPOSITION TO
APPELLANT'S NOTICE OF MOTION TO SEAL**

Respondents City of Columbia, Employer, and Companion Third Party Administrator, LLC, Carrier ("Respondents") submit this return in opposition to the successive¹ Motion to Seal, dated July 24, 2020, by Appellant *pro se* Terry Capone ("Appellant"). For the same reasons stated in the Court's July 1, 2020 Order, Appellant's current Motion to Seal should likewise be denied. Appellant's motion once again fails to specify which documents should be protected beyond generic references to allegedly confidential medical and VA records. Once again, most, if not all, of these records have been submitted by Appellant to various tribunals without appropriate redaction or other efforts by Appellant to shield his private and/or personally identifying information, thereby waiving confidentiality of those materials. In addition, many of the nearly 4,000 pages of records include pages copied from articles and responses to FOIA

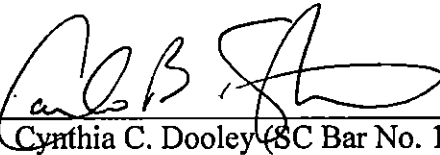
¹ Appellant's first Emergency Motion to Seal was dated April 10, 2020.

requests and, as such, are readily available in the public domain and, therefore, not subject to any claim of privilege or confidentiality.

To the extent the Court determines Appellant retains any right to confidentiality of these materials, the record² should be served and filed with appropriate redactions as outlined in South Carolina Supreme Court Order 2014-04-15-02 and this Court's March 8, 2019 correspondence to the parties. These redactions should be sufficient to alleviate Appellant's concerns, thereby rendering a motion to seal the entire record unnecessary and ill-advised. Appellant's motion should be denied.

July 29, 2020

By:



Cynthia C. Dooley (SC Bar No. 13623)
Carmelo B. Sammataro (SC Bar No. 69746)
TURNER PADGET GRAHAM & LANEY P.A.
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ATTORNEYS FOR RESPONDENTS

² Appellant filed a document styled as his Final Brief of Appellant on or about July 24, 2020. He has yet to file or serve a designation of matter to be included in the record on appeal or the record itself, making it difficult if not impossible for Respondents' to prepare their final brief with appropriate citations to the record.

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PROOF OF SERVICE

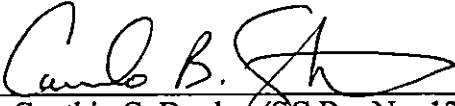
I certify this 29th day of July 2020 that I have served a copy of the RETURN OF RESPONDENTS IN OPPOSITION TO APPELLANT'S NOTICE OF MOTION TO SEAL by mailing same, postage prepaid in the United States mail, addressed to the following:

Terry Capone
130 Summerlea Drive
Columbia, SC 29203

APPELLANT, *PRO SE*

(Signature page to follow.)

July 29, 2020

By: 
Cynthia C. Dooley (SC Bar No. 13623)
Carmelo B. Sammataro (SC Bar No. 69746)
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July 29, 2020

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

RECEIVED
JUL 31 2020
SC Court of Appeals

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

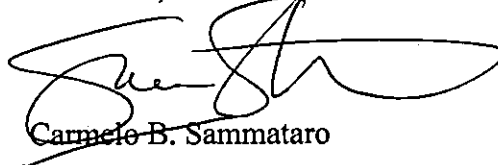
Dear Ms. Kitchings:

Enclosed please find the originals and one copy each of Respondents' Return of Respondents in Opposition to Appellant's Notice of Motion to Seal, and the 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

CBS/tj

Enclosures

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



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PO Box 1473 Columbia, SC 29202

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The Honorable Jenny Abbott Kitchings, Clerk
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Columbia, SC 29211