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THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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FEB 17 2021

**SC Court of Appeals**

APPEAL FROM THE SOUTH CAROLINA  
WORKERS' COMPENSATION COMMISSION  
APPELLATE PANEL

Appellate Case No. 2019-000369  
Associated Case No. 2018-001364  
W.C.C. File Nos. 1322451, 1319203, 1420487

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

v.

City of Columbia, Employer, and

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

**APPELLANT'S NOTICE OF MOTION TO STAY PROCEEDING PENDING  
INVESTIGATION, REVIEW AND CLARIFICATION ON (2) FINAL RECORDS ON  
APPEALS DELIVERED AND RECEIVED BY THIS COURT**

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD: PLEASE TAKE NOTICE  
that Under the Administrative Procedure Act, plaintiffs Terry H Capone hereby moves the court  
to by motion to Stay Proceedings Pending Investigation, Review and Clarification on (2) final  
records on appeals delivered and received by this Court and Attorneys for the City of Columbia  
and what the court is requesting to be removed, under disability, unforeseen circumstances of  
outside this Courts and my control; i.e."COVID Pandemic".

For the reasons herein, plaintiffs' motion is as previously stated in correspondence to this court  
February 7 and 10, 2021, I request my appeal not be dismissed and I disputed this courts contention  
that (2) final records on appeal have not been served, and the actual fact (2) had been served on  
two separate occasions to this Court and the Attorney for the City of Columbia Pre COVID,


Stamped by this Court Dec 11, 2019 (which has never shown online) to the court and City of Columbia's Attorneys of records Office which I requested part of it be redacted and again on or about July 24, 2020 when the motion to redact was denied. I had previously requested assistance from this Court for which I received none.

In light of the (2) previous final records on appeals served hard copy, it would serve no legitimate purpose to: **“Within ten days of the date of the letter [February 4, 2021], you must serve the record on appeal and file the proof of service, along with a motion requesting permission to serve the record on appeal and file the proof of service outside of the filing deadlines set by Rue 210 of the South Carolina Appellate Court Rules. Your appeal will be dismissed if no motion is made within ten days of the date of this letter,”** without being further advised by this Court what needs to be included or excluded from the hundreds of pages of the (2) final record on appeal already provided to this court and attorney for the City of Columbia and proof of service received.

### PRAYER AND RELIEF REQUEST

For the forgoing reasons, due to the “extraordinary circumstances” and actual facts Notice Request Motion to Stay Proceedings Pending Investigation, Review and Clarification on (2) final records on appeals delivered and received by this Court and Attorneys for the City of Columbia and what the court is requesting to be removed, under disability, unforeseen circumstances of outside this Courts and my control; i.e.”COVID Pandemic” should be Granted and *Deny* Any Opposition to this Motions which would continue to deny Equal access to the Court, Due process, Procedural Due process, Substantive Justice, Equal protection Court under the color of Law .

Dated: February 13, 2020

By:   
Mr. Terry H Capone  
Fire Battalion Chief-Retired  
130 Summerlea Drive  
Columbia, South Carolina 29203  
Email: tcapone@liberty.edu  
(803) 622- 6578



## The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS  
CLERK

V. CLAIRE ALLEN  
CHIEF DEPUTY CLERK

POST OFFICE BOX 11629  
COLUMBIA, SOUTH CAROLINA 29211  
1220 SENATE STREET  
COLUMBIA, SOUTH CAROLINA 29201  
TELEPHONE: (803) 734-1890  
FAX: (803) 734-1839  
[www.sccourts.org](http://www.sccourts.org)

February 04, 2021

Terry Capone  
130 Summerlea Drive  
Columbia SC 29203

Re: Terry Capone v. City of Columbia (2)  
Appellate Case No. 2019-000369

Dear Mr. Capone:

Our records reflect that the time for serving the record on appeal and filing the proof of service has expired. Within ten days of the date of the letter, you must serve the record on appeal and file the proof of service, along with a motion requesting permission to serve the record on appeal and file the proof of service outside of the filing deadlines set by Rule 210 of the South Carolina Appellate Court Rules. Your appeal will be dismissed if no motion is made within ten days of the date of this letter.

Very truly yours,

*V. Claire Allen*

CLERK

cc: Cynthia C. Dooley, Esquire  
Carmelo Barone Sammataro, Esquire

THE STATE OF SOUTH CAROLINA  
In The Court Of Appeals

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FEB 17 2021

SC Court of Appeals

APPEAL FROM THE SOUTH CAROLINA  
WORKERS COMPENSATION COMMISSION  
★VOLUNTARY REMANDED ★  
BY THE APPELLATE PANEL

W.C.C. File Nos. 1322451, 1319203, 1420487  
Appellate Case No.: 2018-000369 associated with 2018-001364

PROOF OF SERVICE

Terry H Capone, Claimant,

Appellant,

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 13<sup>TH</sup> day of February 2021, that I have served a copy of the APPELLANT'S NOTICE OF MOTION TO STAY PROCEEDING PENDING INVESTIGATION, REVIEW AND CLARIFICATION ON (2) FINAL RECORDS ON APPEALS DELIVERED AND RECEIVED BY THIS COURT, and to Respondents by depositing a copy in the United States Mail, first class postage pre-paid, certified or by personal service addressed to the following:

Cynthia C. Dooley, Esquire  
Carmelo Barone Sammataro, Esquire Attorneys for Respondents  
TURNER PADGET GRAHAM & LANEY P.A.  
P.O. Box 1473  
Columbia, SC 29202

February 13, 2021

By:   
Mr. Terry H Capone  
130 Summerlea Drive  
Columbia, SC 29203  
(803) 622-6578  
Email: tcapone@liberty.edu  
APPELLANT, PRO PER



RECEIVED

FEB 17 2021

SC Court of Appeals

February 13, 2021

EMAIL AND/OR MAIL DELIVERY

The Honorable Jenny Abbott Kitchings, Clerk  
South Carolina Court of Appeals  
1220 Senate Street  
Columbia, SC 29201

Re: Notice Request Motion to Stay Proceedings Pending Investigation, Review and Clarification on (2) final records on appeals delivered and received by this Court and Attorneys for the City of Columbia and what the court is requesting to be removed, under disability, unforeseen circumstances of outside this Courts and my control; i.e."COVID Pandemic". I request my appeal not be dismissed

Terry Capone v. City of Columbia and  
Companion Third Party Administrator, LLC Appellate Case No.: 2019-000369 / Associated Case: 2018-001364

W.C.C. File Nos. 1322451, 1319203, 1420487

The Honorable Clerk of Court :

Please accept this as Notice Request Motion to Stay Proceedings Pending Investigation, Review and Clarification on (2) final records on appeals delivered and received by this Court and Attorneys for the City of Columbia and what the court is requesting to be removed, under disability, unforeseen circumstances of outside this Courts and my control; i.e."COVID Pandemic".

As previously stated in correspondence to this court February 7 and 10, 2021, I request my appeal not be dismissed and I disputed this courts contention that (2) final records on appeal have not been served, and the actual fact (2) had been served on two separate occasions to this Court and the Attorney for the City of Columbia Pre COVID, Stamped by this Court Dec 11, 2019 (which has never shown online) to the court and City of Columbia's Attorneys of records Office which I requested part of it be redacted and again on or about July 24, 2020 when the motion to redact was denied. I had previously requested assistance from this Court for which I received none.

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The Court is aware I am under disability under the law, no rights are lost and I am not an 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,



Enclosure(s) as Stated  
Cc: Cynthina C Dooley  
Attorney for Respondents

\$50.00 Motion Fee Check #1503

Mr. Terry H. Capone  
Fire Battalion Chief-Retired  
130 Summerlea Drive  
Columbia, SC 29203  
(803) 622-6578  
Email: [tcapone@liberty.edu](mailto:tcapone@liberty.edu)

Mr Terry H Capone  
130 Summerlea Drive  
Columbia SC 29203

**CERTIFIED MAIL**



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29211

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SC Court of Appeals

To South Carolina Court of Appeal

ATTN. Jenny Abbott Kitching's  
Clerk of Court

P.O. Box 11629

Columbia S.C. 29211

29211 164 1529 4012

