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**Jun 11 2021**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM THE WORKERS' COMPENSATION COMMISSION

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Appellate Case No.: 2021-000121

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Dana L. Dixon, ..... Appellant

v.

S.C. Department of Mental Health,  
Employer and State Accident Fund,  
Carrier, ..... Respondents.

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**RESPONDENTS' MOTION TO STRIKE PORTIONS OF APPELLANT'S PROPOSED  
RECORD ON APPEAL**

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Attorney for Respondents

Dana Dixon  
181 Stabler Farm Road  
St. Matthews, SC 29135  
470-422-0591  
Appellant, *Pro Se*

**RESPONDENTS' MOTION TO STRIKE PORTIONS OF APPELLANT'S PROPOSED RECORD ON APPEAL IS BASED ON THE FOLLOWING GROUNDS:**

1. Appellant, who is appearing in this matter *pro se*, hand delivered her proposed Record on Appeal to Respondents counsel's office on or about May 27, 2021.
2. Upon further review of the proposed Record on Appeal, Respondents submit that it contains documents/records and/or other information not contained in the record below before the Workers Compensation Commission; therefore, submission of this proposed Record on Appeal to the Court is improper.
3. Specifically, Respondents request an Order from the Court striking the following portions of Appellant's proposed Record on Appeal, including the supporting reasoning:
  - a) The transcript of Appellant's discovery deposition conducted February 22, 2019- proposed Record pp. 32-103- on the grounds that the deposition was not entered into evidence by the Commission;
  - b) Proposed Record pp. 104-109- consisting of exhibits to the discovery deposition;
  - c) Proposed Record pp. 287-316- consisting of personnel file materials, discovery correspondence and subpoenas, and accident/claim records that were not entered into evidence below;
  - d) Proposed Record p. 322- consisting of email correspondence between Appellant's former attorney and a representative of the Respondents regarding settlement;
  - e) Proposed Record pp. 325-329- consisting of witness statements, discovery requests, and payroll/wage records that were not entered into evidence before the Commission;  
AND
  - f) Proposed Record pp. 331-334- consisting of uncompleted WCC medical forms, discovery correspondence, and proof of mailing records that were not entered into evidence before the Commission.
4. Respondents agree that all other proposed submissions into the Record on Appeal were properly admitted into evidence by the Commission, are already incorporated by reference as part of the Commission's file on this matter, including Orders, pleadings, and briefs, and/or are otherwise not objectionable to the Respondents.

**WHEREFORE** Respondents pray for an Order from the Court granting the Motion to Strike for the reasons set forth herein.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "M. Stubley", written in a cursive style.

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M. Stephen Stubley, Esquire  
Counsel for Respondents

Columbia, SC

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**PROOF OF SERVICE**

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I certify that I have served the Respondents' Motion to Strike Portions of Appellant's Proposed Record on Appeal by depositing a copy of it in the United States Mail, postage prepaid, **on June 11, 2021**, addressed to Appellant, Dana L. Dixon, 181 Stabler Farm Road, St. Matthews, SC 29135.

June 11, 2021



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June 11, 2021

VIA EMAIL: [CTAPPFILINGS@SCCOURTS.ORG](mailto:CTAPPFILINGS@SCCOURTS.ORG)

The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

**RE:** *Dana Dixon v. SC Department of Mental Health*  
*WCC No.: 1623303*  
*Appellate Case No.: 2021-000121*  
*Claim No.: 2016-4177*  
*DOA: 12/22/2016*  
*Our File No.: 1200-0178*

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GEORGE D. GALLAGHER (SC), of counsel

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**SC Court of Appeals**

Dear Ms. Kitchings:

Enclosed for filing are the Respondents' Motion to Strike Portions of Appellant's Proposed Record on Appeal by and Proof of Service on behalf of S.C. Department of Mental Health, and the State Accident Fund in the above-referenced matter. Also, our check in the amount of \$50.00 for the filing fee has been placed in the mail today as well. Please return a clocked copy of the Motion to me at your earliest convenience.

By copy of this letter, I am serving the Notice upon all counsel of record.

Sincerely,



M. Stephen Stubley  
MSS/bej

Enclosures

cc: Dana Dixon (via certified and regular mail)  
The Honorable Amy Bracy, Judicial Director (w/encl)  
Shannon Bedell (w/encl)