

**SPEED, SETA, MARTIN, TRIVETT & STUBLEY, LLC**  
**ATTORNEYS AT LAW**

WALLACE SPEED (1940-2020)  
LESLI R. SETA (GA & FL)  
SETH C. MARTIN (GA & FL)  
ERIC L. TRIVETT (GA)  
M. STEPHEN STUBLEY (SC)  
STEPHANIE A. ROCKWELL (GA & TN)  
JAMES E.L. FICKLING (SC & NC)  
ANDREA S. OWEN (GA)  
HUNTER CHANDLER (GA & TN)

REPLY TO  
P.O. BOX 11669  
COLUMBIA, SOUTH CAROLINA 29211  
PHONE (803) 748-2919  
FAX (803) 748-2735  
www.Speed-Seta.com

ALEXANDER ADKINS (GA & TN)  
SCOTT H. ANDREWS (GA)  
MELISSA CRUZ (GA & TN)  
JEREMY T. ENGLAND (AL & MS)  
C. BENTON HILBURN (GA)  
SARA P. MORRIS (SC & NC)  
CALEY A. PITTS (GA)  
KELSIE L. QUEEN (SC & NC)  
JENNIFER S. RAY (GA)  
SARAH V. SNIPES (GA)  
LINDSEY R. STEWART (GA)  
MARK M. STUBLEY, JR. (AL, NC & SC)  
BRIGGS P. TUCKER (SC)  
BRITTANY BELL TURNER (GA & FL)  
LILY D. WILKERSON (GA & FL)

∞  
GEORGE D. GALLAGHER (SC), of counsel

December 3, 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

**RECEIVED**  
DEC 06 2021  
SC Court of Appeals

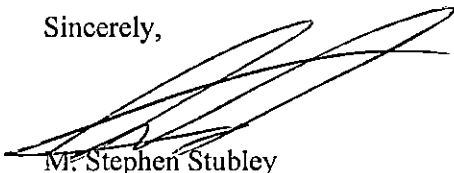
**RE: Dana Dixon v. SC Department of Mental Health**  
*WCC No.: 1623303*  
*Appellate Case No.: 2021-000696*  
*Claim No.: 2016-4177*  
*DOA: 12/22/2016*  
*Our File No.: 1200-0178*

Dear Ms. Kitchings:

Please find enclosed our Respondents' Motion to Consolidate Appellate Case's in the above-referenced case, along with a check for the \$50.00 filing fee.

By copy of this letter to the Pro se Appellant, Dana Dixon, I am serving her with a copy of the Motion.

Sincerely,



M. Stephen Stubley  
MSS/bej  
Enclosures

cc: Dana Dixon (via certified and regular mail)  
Shannon Bedell (w/encl)  
Erin Farthing

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**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.: 2021-000696

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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 CONSOLIDATE APPELLATE CASE  
NOS: 2021-000121 AND 2021-000696**

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M. Stephen Stubley  
Speed, Seta, Martin, Trivett & Stubley, LLC  
Post Office Box 11669  
Columbia, SC 29211  
803-748-2259  
[sstubley@speed-seta.com](mailto:sstubley@speed-seta.com)  
Attorney for Respondents

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

**RESPONDENTS' MOTION FOR CONSOLIDATION OF APPELLATE CASES NOS: 2021-000696 AND 2021-000121 IS BASED ON THE FOLLOWING GROUNDS:**

**I. 2021-000696 and 2021-000121 stem from a substantially similar, ongoing set of facts necessitating consolidation.**

While the two cases are on appeal from two separate Orders from the Workers' Compensation Commission, Respondents submit that both cases require the use of substantially similar evidence in support of their position. Further, Respondents contend that the facts surrounding the two claims are so intertwined that consolidation is appropriate. SCACR 214 provides:

Where there is more than one appeal from the same order, judgment, decision or decree, or where the same question is involved in two or more appeals in different cases, the appellate court may, in its discretion, order the appeal to be consolidated.

Consolidation under the rule may be ordered whenever actions involving a common question of law or fact are pending before the court. Keels v. Pierce, 315 S.C. 339,433 S.E.2d 902 (Ct. App. 1993).

Here, Claimant is seeking appellate review of two claims stemming from two workplace accidents occurring within the same ongoing fact patten. Therefore, Respondents seek consolidation of the above cases to allow for a consolidated record comprising of all documents before the lower tribunal. This type of action will allow the Court to view the evidence in way that paints a full picture with regard to both of Claimant's workplace accidents that give rise to the two actions now before the Court.

**II. Consolidation promotes judicial economy and guarantees consistency.**

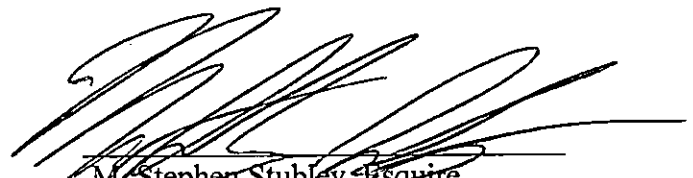
Respondents further submit that continuation of the above referenced cases opens the door for inconsistent opinions and creates an impossibility for Respondents to defend the claims.

Specifically, Respondents filed a Motion to Strike the ROA as filed by Appellant in each of the cases. The reasoning and evidentiary support behind Respondents' arguments was essentially the same. However, the Court granted only one (1) of Respondents' motions. **Exhibit A.** The other was denied with a one-sentence explanation from the Court stating Appellant's certification of a proper record was enough to allow all portions of the submitted record to stand. **Exhibit B.** Respondents respectfully do not understand the logic behind the Court's reasoning as Respondents' Motion to Strike in the other case (2021-000696) was granted, seeking ostensibly the same relief for the same reasons. Respondents contend that consolidation of the two claims now will allow this Court to make a determination with regard to both of Appellant's claims by reviewing a single, comprehensive record.

Respondents know of no reason or prejudice to the Appellant if the cases are consolidated for the above purposes, and in an effort to promote judicial economy and consistency.

**WHEREFORE** Respondents pray for an Order from the Court granting the Motion to Consolidate for the reasons set forth herein. Alternatively, Respondents respectfully request clarification from the Court with regard to the Orders issued in the two cases and how to proceed accordingly.

Respectfully Submitted,



M. Stephen Stubley, Esquire  
Counsel for Respondents

December 3, 2021  
Columbia, South Carolina

# EXHIBIT A

# The South Carolina Court of Appeals

Dana L. Dixon, Appellant,

v.

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

Appellate Case No. 2021-000121

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## ORDER

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Because Appellant certifies all matters included in the record on appeal were presented to the lower court, Respondents' motion to strike is denied. Respondents' final brief shall be served and filed within thirty days of the date of this order.



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FOR THE COURT

Columbia, South Carolina

cc:

Dana Dixon

M. Stephen Stuble, Esquire

Amy Bracy

**FILED**  
**Jul 09 2021**

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# EXHIBIT B

# The South Carolina Court of Appeals

Dana Dixon, Employee, Appellant,

v.

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


Appellate Case No. 2021-000696

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## ORDER

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After careful consideration, Respondents' motion to strike is granted. The record on appeal filed by Appellant is stricken. Within thirty days of the date of this order, Appellant shall serve and file an amended record on appeal that includes only those matters that were designated by the parties and were presented to the lower court. *See* Rule 210, SCACR. Furthermore, the matters contained in the record on appeal shall not include any extraneous markings or annotations.

  
FOR THE COURT

Columbia, South Carolina

cc:

Dana Dixon

M. Stephen Stubbley, Esquire

Amy Bracy

**FILED**  
**Nov 17 2021**

**RECEIVED**

DEC 06 2021

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM THE WORKERS' COMPENSATION COMMISSION

Appellate Case No.: 2021-000696

Dana L. Dixon, ..... Appellant

v.

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

Carrier, ..... Respondents.

**PROOF OF SERVICE**

I certify that I have served the Respondents' Motion to Consolidate Appellate Cases by depositing a copy of it in the United States Mail, postage prepaid, on December, 3, 2021, addressed to Appellant, Dana L. Dixon, 181 Stabler Farm Road, St. Matthews, SC 29135.



M. Stephen Stubley  
Speed, Seta, Martin, Trivett & Stubley, LLC  
Post Office Box 11669  
Columbia, SC 29211  
803-748-2259  
[sstubley@speed-seta.com](mailto:sstubley@speed-seta.com)  
Attorney for Respondents

SPEED, SETA, MARTIN, TRIVETT & STUBLEY, LLC

ATTORNEYS AT LAW

P.O. BOX 11669  
COLUMBIA, SOUTH CAROLINA 29211

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**SC Court of Appeals**

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

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