

95179

# Appellant Motion To Quash Motion To Consolidate

The State of South Carolina  
In The Court Of Appeals

Appeal from Richland County  
S.C. Workers Compensation Commission

**RECEIVED**

DEC 08 2021

SC Court of Appeals

Commissioner(s): A. Taylor, T. Scott Beck, Avery Wilkerson

Case No. 2021-000696

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

Respondent

V

Dana L. Dixon,  
Employee

Appellant

Appellant Motion To Quash

Dana L. Dixon

181 Stabler Farm Rd.

St. Matthews, S.C. 29135

(470) 422-0591

Appellant

# Appellant Motion to Quash Motion to Consolidate

I Dana L. Dixon, Appellant for Case numbers 2021-000121 and 2021-000696, I am writing to request a motion to quash the Motion to Consolidate both cases based on the following reasons:

1. Respondent had full knowledge of both cases at lower court.

2. Respondents received same documents I used as my evidence (Apts) at lower court that was certified mailed, hand delivered by me for both cases.

3. Respondents stated my record on appeal was not before the lower court, but is stamped and is written in BOTH orders and found in transcripts of single comm, and full comm.

4. Respondent filed Designation of Matter for Case no. 2021-000121, that was received by this court on April 20, 2021 (NO. 1) is of same character in motion to strike, that respondent stated to this court was not before the lower court. (R.P. 212-214)

5. Respondents writes what is not in Order Instructions of the Commissioner, and list it in BOTH orders.

6. Respondents motioned to strike my record on appeal that I received from respondents, is filed

at the lower court.

7. Respondent states that the 2 cases are intertwined when actually they are not. Case number 2021-000121 is from my 01/31/2017, work injury. But due to my subpoenaed deposition for W.C.C. file NO. 1712879,

Respondents asked questions that pertained to my work injury for this claim on 2-22-2019. Then filed their first Form 51 on April 02, 2019 (R.P. 203) after the hearing on 03/07/2019.

8. Respondents' accusations of me stating I testified that I NEVER had a workers comp claim in the order, but listed them at the deposition when asked on 02-22-2019.

In Respondents' Section 2 of their motion, Respondents' argument is about Exhibit A, B. of what was and wasn't allowed in the filed (both) motions. A portion of Rule 210(c) states: The record shall not, however, include matter which was not presented to the lower court or tribunal. So since Respondents stated that R.P. 211-214, 20-93, 94-99 was not before the lower court Respondents filed a motion to strike. But in their designation of matter (for this court) to be included, their No. 1, is "Defendants Pre-Hearing Brief and APA Submissions dated 02/22/2019, which is listed in my record on appeal for Case No. 2021-000696, to show both A, B. were used as their Exhibits on 3-7-19.

That refutes what Respondents stated in their motion to strike.

9. Respondents has even listed the form 50 (R.p. 231-233) that's stamped by the lower court dated 09/08/2017 (R.p. 232) #13A reads; "I am filing a claim." And in Order for me to have a file number at S.C.W.C.C. this form had to be filed, filed by the previous attorney. And it's listed in the Orders of 11-3-20, 5-26-21.

Respondents Motion to strike the following documents were given/mailed to me by Respondents after the lower court / Commissioners I received copies.

B, C, D, E, H, I, J, K, M, N, listed in the motion to strike.

10) 2021-000121 Case is of 2017 (Shoulder Injury)  
2021-000696 Case is of 2017 (Back, Neck, Jaw)

11. I do not understand the Respondents logic behind wanting to consolidate both cases now, or why Respondents stated that my ROA was not before the lower court that has stamped on documents. And documents sent by Respondents to S.C. W.C.C. And me copied (cc) pursuant to WCC R. 67-612 D. And written on their letter head. And list them in the signed orders.

12. Since the documents I've submitted that IS stamped by the lower court or is addressed to the Commission/Commissioners from Respondents with Certificate of Service that was before the lower court.

That's written in transcript / Order of 6/12/20 and 11/03/20, of Single Commissioner by Attorney of Record M. Stephen Stublely

And written in transcript of 02/22/21  
And Order of 05/26/21.

I may never know why essential documents required by the lower court that were filed by Respondents or their APA (evidence) they used and listed for the hearings, Respondents now state they weren't before the lower court. I certified that my record on appeal contains no matter which is irrelevant to this appeal.

And I applied Rule 210 for both cases.

13. Case No. 2021-000121, Respondents sent me to their doctor morning of work injury 01/31/2017. For Case No. 2021-000696, I went of my own choosing to E.R. 2017 has paperwork of same day; with my supervisor signature.

2016, has my written statement 22 days after my work injury. Both cases were handled severely different I never received S.C. & M.H. W.C.C. package in 2016.

4. Respondent had filed a motion to strike  
Case No. 2021-000121

Respondents filed a motion to strike my ROA for  
CS. NO. 2021-000696, stating the listed documents  
were not before the lower court. Example: Respondents  
R.p. 20-93, R.p. 94-99, transcript of 2-22-19, S.C.D.M.H.  
W.C.C. package (Exhibits A & B)

But they filed Designation of matter to this court  
on April 20, 2021 list the EXACT documents,  
Respondents used as their listed APT for hearing  
date of 3/7/2019, presiding Commissioner Wilkerson  
(R.p. 211-214)

So I respectfully ask this court, was the  
documents that I submitted as my Record on Appeal  
received by this court that I received from Respondents  
that has received by S.C. Workers Compensation Commission  
stamped on stricken documents.

Can it be Both? Respondent said that my  
documents were not before the lower court then  
uses them as their Designation of matter on April 20,  
2021 (CS No. 2021-000121) but mine is stricken (Case No.  
2021-000696)

And in BOTH Orders that was prepared  
by the attorney of record (Comm. Order inst) has listed  
the documents that Respondents stated was not before  
the lower court, that's in the transcripts of 6/12/20 and  
2/22/21, and the Orders of 11/3/20 and 5/26/21.

I Dana L. Dixon, Am respectfully  
asking this Court for an Order to  
Quash the motion to Consolidate Both  
Cases. For reasons listed And what  
is deemed proper by this Court.

Respectfully,

Dana L. Dixon

Proof Of Service Of Motion To Quash Motion of Consolidation

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Case NO. 2021-000696

S.C. Department of mental health,  
Employer, and State Accident fund,  
Carrier

Respondent

✓

Dana L. Dixon,  
Employee

Appellant

PROOF OF SERVICE

I Certify that I have served Appellant Motion to Quash  
Motion to Consolidate. On m. Stephen Stabler by depositing a copy  
of it in the United States mail postage prepaid on 12/7/21. Addressed  
to Attorney of record m. Stephen Stabler at his office at  
1122 Lady St. Suite 1000, Columbia, S.C. 29201

Dana L. Dixon

181 Stabler Farm Rd

St. Matthews, S.C. 29135

(470) 422-0591

12/7/2021

M. Stephen Stubsley  
1122 Lady St. Suite 1000  
Columbia, S.C 29201  
(803) 748-2919

SEAL-IT.

Dave L. Dixon  
181 Stable Farm Rd.  
St. Matthews, S.C. 29135



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SC Court of Appeals

S.C. Court of Appeals  
1220 Senate St.  
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