

Appellants Reply To Motion To Dismiss

The State of South Carolina **RECEIVED**
In The Court of Appeals JAN 14 2022

Appeal from Richland County **SC Court of Appeals**
S.C. Workers Compensation Commission

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

Case NO. 2021-000096

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

V

Dana L. Dixon, Appellant
Employee

Appellant's Reply To Motion To Dismiss

Dana L. Dixon
181 Stabler farm rd.
S.Y. Matthews, S.C. 29135
(470) 422-0591

M. Stephen Stublely
1122 Lady St. Suite 1000
Columbia, S.C. 29201
(803) 748-2919
Attorney for Respondents.

Respondents motioned to strike the following:

A. The Transcript of Appellants discovery deposition that was of deposition on 02/22/2019

B. Proposed Record pp 94-99 (consisting of Exhibits to the discovery deposition)

C. Proposed Record p. 171 & 180 (consisting of medical payments from Respondents.)

D. Proposed Record pp 190-200 (Subpoena duces Tecum)

E. Proposed Record pp 211-214 (Pre Herring brief to Commissioner of 2-22-19)

F. Proposed Record p. 231-233 (Form 50, Stamped 9-5-19)

G. Proposed Record pp 234 (Settlement Offer Stamped 03/13/20)

H. Proposed Record p. 275-276 (Subpoena for 2-22-19) Deposition

I. Proposed Record pp 294-295 (Table of Medical payments from Respondents)

J. Proposed Record p.p 296-300 (emails from Respondents Calling me Crazy)

K. Proposed Record pp 301-302 (Respondents Form 51 Stamped received by the lower Court 01/17/2019)

L Proposed Record pp 312-313 (Handwritten
verbatim emails from Respondents to me.)

M Proposed Record p. 355 ("Consisting of a single
page document that is illegible and therefore
unable to be confirmed as evidence that was
before the Commission")

N Proposed Record p.p 331 & 471 (Consisting of (2) two
copies of a single page correspondence from
Respondents Counsel serving a copy of Respondents
Final Brief

* R.p. 331 is stamped with # 2

* R.p. 101 is stamped with # 4

Therefore they are 2 different documents
from Respondents Final Brief before the lower Court.

And I Amended BOTH Briefs (Reply, final Reply)

Respondents had stated that there are 2 Copies of their final Brief (A) but that was never the case. The page that Respondent motioned to strike has #2 printed at bottom of page. And the Amended Record On Appeal (R.p. 101) that was before the lower Court and stamped has the #4 at bottom of page.

Therefore the listed items that were motioned to strike by Respondents have been removed from my Submitted Reply & final brief. I abided by the Court Order With Record on Appeal also.

The Respondents stated that I failed to serve the actual Amended brief, Number 3 of their motion to dismiss. (Record On Appeal dated 09/22/21, Motion to Strike 09/24/2021, Record On Appeal filed 12/02/21 (Amended))

On this Court Website (S.C. Appellate Case Management System) it shows both records of Appeals was Submitted BOTH times to this Court. And I sent Respondents theirs as well, that is how Respondents have included the amended record on Appeal dated 11/30/21 (Filed 12/02/21)

Please Compare Amended record on Appeal to items listed to be Stricken.

Respondent have stated in their motion to dismiss is based on the following grounds:

#2 States the Respondents received revised index to the Amended record on appeal via U.S. mail on Dec 03, 2021. But on this Court website it's filed Dec 02, 2021. And my receipt from United States post office shows the date and the zip code to where each envelope was going the same day.

#3 Respondent have stated that upon further review they realize that I failed to serve the amended record on appeal. But if the first record on appeal was filed on 9/22/21. And the motion to strike was filed on 9/24/21, And the Order was filed on 11/17/21, Amended Record on Appeal was filed on 12/02/2021

#4. Respondents received the exact same documents that I hand delivered to S.C. Court of Appeals. And that included Final Brief and final Reply brief.

Based on the grounds that Respondent filed their motion to dismiss is another way to find fault with my Amended Record on Appeal, based on the fact that I was able to point out the documents that were used at the lower courts. And the fact that proposed Record 101 was not stricken due to Respondents motion to strike (N) lists R.p. 333 as the stricken document. (From Record on Appeal filed 9/22/21.)

never "R.p. 101"

The Respondents know that the exact same documents that I listed as my Designation of Matter and Record on Appeal are the same documents that are on file at the Commission. The same documents that Respondents stated "were not before the Commission" but have listed the same stricken documents in BOTH of the signed orders, the same documents that's stamped received by the lower court.

The Malfeasance of the Respondent, by stating that the R.p. 231-233 (F) was not before the lower court, when in fact it is the original form that was used to file a claim.

And it's stamped received 9/8/2019, by the Commission. As I review the website of this court and review the documents I submitted on majority of the documents they are stamped "Received March 13, 2020"

Or the fact that Respondent strikes R.p. 201 the form 20 for CS. NO. 2021-000121, that he gave to the Commissioner on 6/12/20, and list the same amount in BOTH signed orders. But not the form 20 that went with CS. NO. 2021-000696 (R.p. 12-13) (R.p. 103) and many more.

I am pro se, and I have no full terminology of law. But it appears as if the Respondents is finding ways to delay, stall. By doing the following:

Motion To Strike by Respondents: 09/24/21

Motion To Consolidate by Respondents: 12/03/21

Motion For extension by Respondents: 12/03/21

Motion To Dismiss by Respondents: I received
Certified mail on 01/06/2022.

Outgoing letter of Communication from C.D.A.
On 12/03/2021. I have NOT received any
Correspondence from this Court not even
a Deficiency letter. Or a letter such as
the filed letter of 09/15/21 (outbound).

I followed the Order, by removing Stricken
documents from my Record On Appeal and BOTH
of my Briefs.

And again R.p. 333 was removed as the Stricken
document. That has #2 at bottom of page.

And R.p. 101 was never motioned to be
Stricken. And this document has the #4
at bottom of page. (TS Stamped)

Respondents erred by stating two (2) copies
of a single page, when both documents came
from Respondents Final Brief at Lower Court.

R.p. 101 has "Evidence of The Case", R.p. 333 does NOT.

The Respondents apparently knows how to be dishonest to the Courts, by making false statements, such as my stricken documents were not before the Commission. But then list them in their final Brief before the lower Court. And the Signed Orders of BOTB Commissioners.

And now that I have amended my Record on Appeal and BOTB Briefs, due to the Order, now the Respondents files a motion to dismiss.

I have followed this Court rules 210. And I submitted documents that Respondents filed at lower Court with Certificates of Service showing who received their documents.

For examples R.p. 301-302 that Respondents stated was not before the Commission dated 01/16/2019 (A form 51) (K) states "I Certify I have served this document pursuant to R. 67-212 by delivering a copy to Dana Dixon, Judicial Director, Sewee" and is signed by the Deputy Chief Counsel

R.p. 240-243, are the same forms (was not stricken) as R.p. 211-214, that was stricken. The forms that Respondents have stated was not before the Commission came from Respondents. R.p. 237 list the ISO reports and so does the transcript of 6/12/20 R.p. 55. Lines 4-14.

I Dana L. Dixon, have done everything that I was instructed to by this Court.

I Submitted documents used at the lower Courts, and listed documents that I filed at lower Court (R.p. 114-126) And is stamped by the lower Court that was Stricken by this Court.

I had filed my Designation of matter, I had filed my Record On Appeal and then I had to amend my Record On Appeal, and both of my briefs, due to Respondents stated that my Stricken documents were not before the Commission. But Respondent Stricken transcript is mentioned in their final (R.p. 101) brief and the form 50 filed by my then (Stripped) attorney in 9/8/2017. Or the R.p. 355 that was Stricken, but is in the transcript of full Commission hearing (R.p. 65. Lines 1-25). R.p. 219 (Stricken document R.p. 355)

So I BEG this Court to look at the documents that I Submitted as my Designation of matter and my Record On Appeal to Re-Review the Submitted Stamped documents and both transcripts and both Orders please.

I pray that the Respondents grounds they listed will be grounds to review ALL documents and transcripts to show Respondents erred. And the Substantiated documents^{is} Reasons why the motion to dismiss should not be granted.

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SC Court of Appeals

Appeal from Richland County
S.C. Worker's Compensation Commission

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

Case NO. 2021-000696

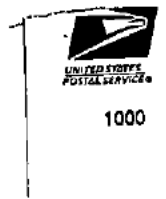
S.C. Department of mental Health, Respondent
Employer, and State Noidental fund,
Carrier

Dana L. Dixon, Appellant
Employee

I Certify that I have served the Appellant's
Reply to motion To Dismiss, On M. Stephen Stublely
by depositing a copy of it in the United States
Mail, postage prepaid On January 10th 2022, addressed
to attorney of record M. Stephen Stublely, 1122 Lady St.
Suite 1000, Columbia, S.C. 29201

Dana L. Dixon
181 Stabler farm Rd.
ST. MATTHEWS, S.C. 29135
(470) 422-0591

~~D. A. ...~~
81 Stabler Farm Rd
St. Matthews, S.C. 29135



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S.C. Court of Appeals
1220 Senate Street
Columbia, S.C. 29201

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