

IN THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

The Honorable Circuit Court Judge Jean Toal  
Charleston County

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Case No. 2023-001733

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Jian-Yun (John) Dong, M.D., Ph.D,

Appellant,

v.

Medical University of South Carolina,

Respondent.

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**MOTION TO STRIKE RECORD ON APPEAL**

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Respondent Medical University of South Carolina (“MUSC”), through its undersigned counsel, hereby moves to strike the Record on Appeal filed by Appellant on September 9, 2024. The Record on Appeal filed by Appellant fails to comply with Rule 210, SCACR.<sup>1</sup>

The Record on Appeal fails to include all items contained in Respondent’s Designation of Matter to Be Included in the Record on Appeal filed by Respondent on June 14, 2024, and, therefore, fails to comply with Rule 210(c), SCACR (“The Record on Appeal *shall* include all matter designated to be included by *any party* under Rule 209 . . .”) (emphasis added). The

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<sup>1</sup> The Record on Appeal filed by Appellant is one Appellant previously prepared, filed, and served *before* Respondent filed its Initial Brief and Designation Matter to Be Included in the Record on Appeal.

following is a list of items contained in Respondent's Designation of Matter to Be Included in the Record on Appeal but omitted from the Record on Appeal filed by Appellant on September 9, 2024 (items are labeled and numbered below as they appear in Respondent's Designation of Record on Appeal):

**ORDERS**

1. Order filed October 22, 2015.
2. Order filed December 14, 2016.
3. Order filed January 25, 2017.
6. Order filed October 6, 2021.
8. Order filed April 7, 2022.
9. Order filed August 12, 2022.
10. Order filed September 8, 2022.
12. Order filed September 28, 2022.
13. Order filed October 7, 2022.
14. Order filed November 23, 2022.
15. Order filed January 4, 2023.
16. Order filed January 31, 2023.
17. Order filed March 1, 2023.
18. Order filed March 21, 2023.
19. Notice filed April 20, 2023.
20. Notice filed May 8, 2023.
21. Notice filed May 8, 2023.
22. Order filed June 20, 2023.

24. Order filed July 17, 2023.
25. Order filed September 22, 2023.
26. Order filed October 4, 2023.

## **PLEADINGS**

1. Complaint filed September 2, 2014. (Exhibit B to Complaint Missing in Record on Appeal filed by Appellant.)
2. Answer filed December 28, 2016.
3. Plaintiff's Motion to Compel filed March 5, 2019.
5. Plaintiff's Motion to Expand Discovery Schedule Due to COVID-19 Pandemics filed January 11, 2021.
6. Plaintiff's Second Motion to Compel for Production filed January 20, 2021.
7. Plaintiff's Motion to Amend Discovery Restrictions and Schedule.
8. Defendant's Response to Plaintiff's Second Motion to Compel and All Other Pleadings filed October 29, 2021.
9. Plaintiff's Reply to Defendant's Response to Motions to Expand and Compel filed November 24, 2021.
10. Plaintiff's Opposition to Defendant's Proposed Order, or Motion for Reconsideration filed February 3, 2022.
11. Plaintiff's Interlocutory Appeal of Magistrate Order to Restrict Discovery or Motion for Reconsideration filed March 8, 2022.
12. Defendant's Motion for Protective Order filed June 17, 2022.
13. Plaintiff's Opposition to Defendant's Motion for Protective Order filed June 30, 2022.

14. Plaintiff's Motion for Amendment of Scheduling Order filed August 23, 2022.
15. Plaintiff's Motion for Reconsideration filed August 23, 2022.
16. Plaintiff's Notice of Civil Appeal filed October 14, 2022.
17. Plaintiff's Motion for Protective Order filed December 21, 2022.
18. Plaintiff's Motion for Reconsideration or Renewed Request for Protective Order filed January 23, 2022.
19. Plaintiff's Motion for Extension of Time for Discovery filed February 22, 2022.
22. Plaintiff's Motion for Extended Time for Response to Motion for Summary Judgment filed April 21, 2023.
24. Plaintiff's Motion for Protective Order filed May 1, 2023.
25. Plaintiff's Motion for Continuance filed May 26, 2023.
26. Plaintiff's Motion for Rehearing on Plaintiff's Response in Opposition to Defendant's Motion for Summary Judgment filed June 27, 2023.
31. Plaintiff's Motion for Recusal Based On Appearance of Bias filed September 28, 2023.

#### **HEARING TRANSCRIPTS**

1. Status Conference Hearing – October 4, 2022.

For the reasons discussed, the undersigned respectfully requests the court strike the Record on Appeal filed by Appellant and, consequently, order Appellant prepare and file a Record on Appeal that complies with Rule 210, SCACR. Commensurately, Respondent requests the Court extend the time to file final briefs until twenty days after Appellant files a Record on Appeal that complies with Rule 210, SCACR.

Respectfully submitted,

s/ Bob J. Conley  
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Caroline Cleveland  
Bob J. Conley  
CLEVELAND & CONLEY, LLC  
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Charleston, SC 29401  
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Attorneys for Respondent

Charleston, South Carolina  
Date: September 19, 2024

Others of Record:

John Dong, M.D., Ph.D.  
Pro Se Plaintiff  
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Charleston, SC 29492  
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Pro Se Appellant

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**Sep 19 2024**

**SC Court of Appeals**

IN THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM CHARLESTON COUNTY  
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Honorable Circuit Court Judge Jean Toal  
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Case No. 2023-001733

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Jian-Yun (John) Dong, M.D., Ph.D.,

Appellant,

v.

Medical University of South Carolina,

Respondent.

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**PROOF OF SERVICE OF MOTION TO STRIKE RECORD ON APPEAL**

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Bob J. Conley  
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Attorneys for Respondent

I hereby certify that on September 19, 2024, I served a copy of Respondent's Motion to Strike Record on Appeal on the following:

John Dong, M.D., Ph.D.,  
Pro Se Plaintiff  
71 Delahow Street  
Charleston, SC 29492  
[johny.dong@gmail.com](mailto:johny.dong@gmail.com)  
[johny.dong@me.com](mailto:johny.dong@me.com)

by email to both email addresses and by placing a copy of said document in the United States mail with sufficient postage thereon.

s/ Bob J. Conley \_\_\_\_\_  
Caroline Cleveland  
Bob J. Conley  
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Attorneys for Respondent

Charleston, South Carolina  
Date: September 19, 2024

CLEVELAND & CONLEY, L.L.C.  
LABOR AND EMPLOYMENT DEFENSE

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† CERTIFIED SPECIALIST,  
LABOR & EMPLOYMENT LAW  
\* CERTIFIED MEDIATOR

September 19, 2024

Jian-Yun (John) Dong, M.D., Ph.D.  
71 Delahow Street  
Charleston, South Carolina 29492

Re: *Jian-Yun (John) Dong, M.D., Ph.D. v. Medical University of South Carolina*  
Appellate Case No.: 2023-001733

Dear Dr. Dong:

In connection to the above-named matter, enclosed please find Respondent's Motion to Strike Record on Appeal and Proof of Service filed with the court Thursday, September 19, 2024.

Sincerely,

CLEVELAND & CONLEY, LLC



Bob J. Conley

BJC/mad  
Enclosures: as stated

CLEVELAND & CONLEY, L.L.C.  
LABOR AND EMPLOYMENT DEFENSE

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Sep 19 2024

SC Court of Appeals

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September 19, 2024

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

Re: *Jian-Yun (John) Dong v. The Medical University of South Carolina*  
Appellate Case No.: 2023-001733

Dear Ms. Kitchings:

On Thursday, September 19, 2024, Respondent electronically filed its Motion to Strike Record on Appeal and related Proof of Service. Enclosed is the \$50.00 filing fee.

Yours truly,

CLEVELAND & CONLEY, LLC



Bob J. Conley

BJC/md

Enclosure: as stated

cc: Jian-Yun (John) Dong, Pro Se