

In

The State of South Carolina The Court of Appeals

Case No. 2023-001733

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

v.

The Medical University of South Carolina, Respondent

APPELLANT’S MOTION FOR LEAVE FOR LIMITED AMENDING FINAL BRIEF

Appellant John Dong respectfully submits this motion for leave to file a limited amendment to the Appellant’s final brief. The Appellant seeks the Court’s permission to revise the introduction section and update certain formatting, clarity, and citation references, for the reasons set forth below.

As good cause for this motion, the Appellant respectfully shows the following:

1. Expansion of the Record on Appeal

Since the Appellant filed his final brief, the Record on Appeal has expanded from approximately 300 pages to over 1,300 pages due to the Respondent’s repeated motions to strike the Record on Appeal. As a result, many documents not previously

considered relevant or necessary to the issues on appeal are now included in the record.

The appeal arises from the district court's order granting summary judgment without the respondent having to produce a single piece of evidence or a witness to prove there is no genuine issue of material fact.

2. The Need for Fairness

The Appellant, moving pro se, filed the Initial Brief and Record on Appeal based on a good-faith understanding of Rule 209(b), SCACR— which states: “A party shall not include any matter in his Designation which is not relevant to the appeal.” The Respondent’s legal tactic resulted in the entire district court record being entered into the Record on Appeal. None of the newly included documents are relevant to the fact that the Respondent failed to produce a single piece of evidence or a witness to prove “no genuine issue of material fact.” This places the Appellant at a disadvantage, as he was unable to address the majority of these documents in his brief.

3. Limited Scope of the Amendment

The Appellant assures the Court that he does not intend to substantively modify any Issues or Arguments or issues raised in the final brief. Instead, the proposed amendments are limited to:

- Introduction section to accurately reflect the basic factual background in the expanded record on appeal. This amendment is necessary to ensure the Court receives a complete and balanced understanding of the procedural and factual context of the appeal.
- Clarifying confusing sentences and correcting grammatical errors throughout the Brief (as English is Appellant’s second language),
- Updating the page numbers of citations and references to the Record on Appeal.

4. Pro Se Considerations and Judicial Discretion

The Appellant is self-represented and has no formal legal education or training. As such, he relies upon the Court’s well-established tradition of affording leniency to pro se litigants in procedures and review standards.

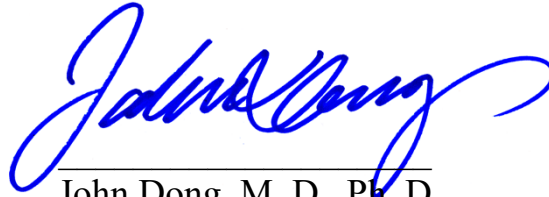
See *Crawford v. Henderson*, 356 S.C. 389, 588 S.E.2d 576 (2003) (“Pro se pleadings are to be construed liberally so as to do substantial justice.”); *Doe v. State*, 382 S.C. 178, 676 S.E.2d 389 (2009); *Haines v. Kerner*, 404 U.S. 519, 520 (1972) (“We hold [a] pro se complaint, however inartfully pleaded, must be held to less stringent standards than formal pleadings drafted by lawyers.”).

CONCLUSION

For the reasons stated above, the Appellant respectfully requests that this Court grant leave to file a limited amendment to the final brief, limited to (1) revising the introduction section to address the expanded Record on Appeal, (2) correcting

confusing sentences and grammatical errors, and (3) updating citation page numbers.

The Appellant requests fifteen (15) days to submit the amended brief upon entry of the Court's order.



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