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Jun 23 2025

SC Court of Appeals

IN THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

The Honorable Circuit Court Judge Jean Toal

Case No. 2023-001733

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

Appellant,

v.

Medical University of South Carolina,

Respondent.

**RETURN TO APPELLANT’S MOTION FOR LEAVE FOR LIMITED AMENDING OF
FINAL BRIEF**

Respondent Medical University of South Carolina (“MUSC”), through its undersigned counsel, hereby responds to Appellant’s Motion for Leave for Limited Amending of Final Brief (the “Motion”) filed by Appellant on June 11, 2025. The Court should deny the Motion for several reasons.

First, the Motion requests the Court allow Appellant to take actions and make modifications that are contrary to Rule 211(b), SCACR, allowing Appellant to only “correct obvious typographical errors and misspellings which were contained in the initial brief” and stating “[n]o other changes may be made.” Second, the Motion requests the Court allow Appellant to take actions that are contrary to the Court’s Order dated May 22, 2025 (the “Order”). The Court issued

the Order after Appellant failed to oppose Respondent’s Motion to Strike Appellant’s Final Brief.

1. No Expansion of the Record on Appeal.

Contrary to Appellant’s assertion in the Motion, the Record on Appeal did not change after the parties filed their Initial Briefs, other than pagination modifications allowed by the Court pursuant to the Order. Appellant’s claim “the Record on Appeal has expanded from approximately 300 pages to over 1,300 pages due to Respondent’s repeated motions to strike the Record on Appeal” is wrong and inconsistent with the previous filings of the parties and orders of the Court.

2. The Court Previously Rejected Appellant’s Opposition to the Matter Designated by Respondent for Inclusion in the Record on Appeal.

The Court previously rejected the arguments asserted by Appellant in the Motion in the Court’s Orders of October 23, 2024, and January 31, 2025.

For the reasons discussed, the undersigned respectfully requests the Court deny the Motion and order Appellant prepare and file a final brief that complies with Rule 211(b), SCACR, and complies with the Court’s Orders dated October 23, 2024, January 31, 2025, and May 22, 2025.

Respectfully submitted,

s/ Bob J. Conley _____
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Charleston, South Carolina
Date: June 23, 2025

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IN THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Honorable Jean H. Toal, Circuit Court Judge

Appellate Case No. 2023-001733
Case No. 2016-CP-10-06683

Medical University of South Carolina,Respondent,

v.

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

CERTIFICATE OF SERVICE

Pursuant to Section (d)(1) of the Supreme Court’s Order Methods of Electronic Filing and Service Under Rule 262 of the South Carolina Appellate Court Rules (As Amended May 6, 2022), the undersigned counsel for the Respondent Medical University of South Carolina, does hereby certify that service of **Return to Appellant’s Motion for Leave for Limited Amending of Final Brief** in the above-captioned matter was made upon Appellant by email and U. S. Mail on this 23rd day of June 2025 as follows:

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s/ Bob J. Conley

Attorney for Respondent

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June 23, 2025

Via Email Only

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
Email: ctappfilings@sccourts.org

Re: Jian-Yun (John) Dong v. The Medical University of South Carolina
Appellate Case No.: 2023-001733
Civil Action Number: 2016-CP-10-06683

Dear Ms. Kitchings:

Pursuant to Section (b)(2) of the Supreme Court's Order RE: Methods of Electronic Filing and Service Under Rule 262 of the South Carolina Appellate Court Rules (as Amended May 6, 2022), please find enclosed for filing Respondent's **Return to Appellant's Motion for Leave for Limited Amending of Final Brief** in the above referenced matter. In accordance with Section (d)(1) of this same Order, I am hereby serving a copy on the Appellant.

Yours truly,

CLEVELAND & CONLEY, LLC

s/ Bob J. Conley

Bob J. Conley

BJC/md

Enclosures: as stated

cc: Jian-Yun (John) Dong