

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 REPLY TO RESPONDENT’S RETURN TO MOTION FOR LEAVE TO AMEND FINAL BRIEF

Appellant John Dong, appearing pro se, respectfully submits this Reply to Respondent’s Return opposing the Motion for Leave to Amend Final Brief. Respondent's opposition misconstrues the procedural posture of this case and misapplies the South Carolina Rules of Appellate Procedure (SCRAP). This Reply clarifies the basis for the Motion and demonstrates that the amendment is necessary and justified under Rules 267 and 210(c), in light of substantial supplementation of the Record on Appeal, procedural complexity, and Appellant’s pro se status.

1. Leave to Amend is Proper Under Rule 267

Rule 267 permits the appellate court to grant relief from default or allow an act to be done out of time upon a showing of good cause. Appellant seeks leave not

to alter the substance of the brief, but to correct citations affected by pagination changes, clarify confusing sentences, and provide appropriate context in light of newly included documents in the Record on Appeal. This request is supported by good cause and is necessary for the clarity and accuracy of the Final Brief.

## **2. Rule 211(b) Does Not Bar Amendment in This Context**

Respondent's reliance on Rule 211(b) is misplaced. That rule limits post-filing corrections without court approval to typographical errors. However, Appellant's request is made through a formal motion under Rule 267. The requested amendment seeks to correct citation errors and clarify content following significant changes to the Record—not unauthorized, unilateral revisions.

## **3. The Record on Appeal Has Been Extensively Supplemented Under Rule 210(c)**

Respondent inaccurately claims the Record on Appeal has not changed. In truth, the Court has permitted significant supplementation under Rule 210(c) in response to Respondent's repeated motions to strike and objections to the Record on Appeal. As a result, the Record expanded substantially, from approximately 300 to over 1,300 pages. This expansion necessitated changes to pagination, structure, and references critical to the Final Brief. Amendment is thus essential for accuracy.

#### **4. Court Orders Do Not Preclude the Requested Amendment**

Respondent asserts that prior court orders foreclose the present request. However, none of the referenced orders (dated October 23, 2024; January 31, 2025; or May 22, 2025) prohibit a motion for leave under Rule 267. Those orders addressed procedural deficiencies and granted or denied motions based on the state of the record at the time. They do not bar the limited amendment now requested, which aims to align the brief with the supplemented record.

#### **5. Pro Se Litigant Seeking Clarification and Accuracy**

As a pro se litigant, Appellant respectfully requests reasonable accommodation for efforts to comply with appellate procedure. The amendment is not intended to relitigate settled issues or circumvent orders but to clarify references, correct disordered or confusing sentences, and introduce background information relevant to documents added to the record. These changes will promote understanding and judicial efficiency.

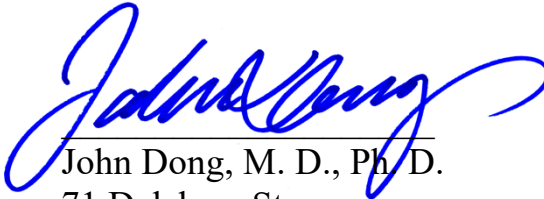
#### **CONCLUSION**

Appellant has demonstrated good cause for leave to amend the Final Brief. The requested relief is narrowly tailored to ensure the brief reflects the final state of the Record on Appeal and conforms to the procedural and substantive requirements of

SCRAP. Accordingly, Appellant respectfully requests that the Court grant leave to file an amended Final Brief.

July 2, 2025

Respectfully submitted, pro se



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SC Court of Appeals

FORM 7  
PROOF OF SERVICE OF A NOTICE OF APPEAL

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

The Honorable Jean Toal,  
District Court Judge

Case No. 2023-001733

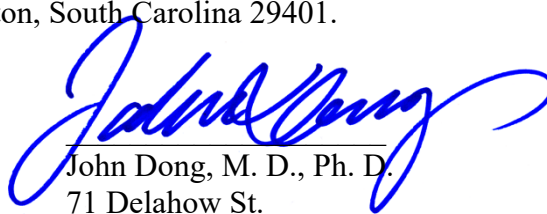
The Medical University of South Carolina, Respondent,

v.

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

PROOF OF SERVICE

I certify that I have served the Appellant's Reply to Respondent's Return to Motion for Leave for Limited Amending Final Brief by electronic mail to [bconley@clevelandlaborlaw.com](mailto:bconley@clevelandlaborlaw.com) and by depositing a copy of it in the United States Mail, postage prepaid, on July 2, 2025, addressed to the Respondent's attorney on record, Bob J. Conley, Esq., Cleveland & Conley LLC, 171 Church Street, Suite 310, Charleston, South Carolina 29401.



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