

THE COURT OF APPEALS
STATE OF SOUTH CAROLINA

Jian-Yun (John) Dong, M.D., Ph.D.,
Appellant,
v.
Medical University of South Carolina,
Respondent.

Appellate Case No. 2023-001733

RECEIVED
Sep 18 2025
SC Court of Appeals

PROPOSED ORDER

This matter is before the Court on Appellant's *Motion to Strike Respondent's Final Brief* and Appellant's *Reply in Support of Motion to Strike*. The Court, having reviewed the Motion, the Return, the Reply, and applicable law, makes the following findings:

1. **Nonresponsiveness.** Respondent's Final Brief fails to meaningfully respond to the issues preserved and argued in Appellant's Final Brief, in violation of **Rule 211(b), SCACR**, which requires briefs to contain substantive argument and references to the Record on Appeal. Respondent's failure to address Appellant's preserved issues is deemed a concession under *State v. Porter*, 389 S.C. 27, 37, 698 S.E.2d 237, 242 (Ct. App. 2010), and *Hickman v. Hickman*, 301 S.C. 455, 457, 392 S.E.2d 481, 482 (Ct. App. 1990).
2. **Misrepresentation of the Record.** Portions of Respondent's Final Brief contain misrepresentations of fact and citations not supported by the Record on Appeal, in violation of **Rule 208(b)(1)(B), SCACR**, which requires factual statements to be supported by record citations.

These misrepresentations also constitute “misleading or improper arguments” under **Rule 213, SCACR**.

3. **First Motion to Strike.** Contrary to Respondent’s assertion, this is Appellant’s first Motion to Strike Respondent’s Final Brief. Prior orders of this Court addressed matters concerning the Record on Appeal and motions to amend, not a motion to strike. Respondent’s suggestion otherwise mischaracterizes the procedural history.

Accordingly, pursuant to **Rule 267, SCACR**, which authorizes this Court to strike noncompliant briefs,

IT IS ORDERED:

1. Appellant’s Motion to Strike is **GRANTED**. Respondent’s Final Brief is hereby **STRICKEN**.
2. Alternatively, should the Court decline to strike the brief in its entirety, the Court will **disregard Respondent’s Final Brief** in adjudicating this appeal and treat Appellant’s preserved issues as **conceded**.
3. Sanctions are imposed pursuant to **Rule 213, SCACR**, for Respondent’s misrepresentation of the record. The type and scope of such sanctions are reserved to the Court’s discretion.

AND IT IS SO ORDERED.

Dated: _____, 2025

Judge, South Carolina Court of Appeals