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SC Court of Appeals

DESIGNATION OF MATTER
to be Included in the Record on Appeal

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas

Marvin H. Dukes III, Master in Equity and Special Circuit Court Judge

APPELLATE CASE NO. 2016-000955

John Alden Bauer III

Appellant

v

Beaufort County
School District

Respondent

DESIGNATION OF MATTER
to be Included in the Record on Appeal

July 8, 2016

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Beaufort County School District Board Hearing, April 30-May 2, 2015

Forty-nine references in Initial Brief

Specificity

Page 42, lines 12-16; Page 42 lines 5, 23 and 24; Page 43 line 7; Page 46, line 9; Page 359 line 24; Page 84, line 24 to page 91, line 9; Page 86 line 15; page 111, lines 15-17; Page 174, lines 10-21; Page 128 lines 4-6 and line 12; Page 133, line 1; Page 185 line 1; page 185 lines 8+; Page 210, line 1; Page 209 line 21 to Page 210 line 2; Page 237 line 6; Page 282, line 16; Page 319 lines 10-21; Page 371, lines 10 & 19; Page 344, lines 2-3; Page 347, line 24; Page 345 line 19; Page 348, Line 1; Page 349, Line 9; Page 350 lines 3 and 4; Page 356, line 10; Page 361, lines 20 - 23; Page 350 lines 3 and 4; Page 359 line 24; Page 361 lines 20-25; Page 319 lines 10-21; Page 373, lines 8-15; Page 426, lines 17-22; Pages 489-491; Page 509 lines 16-24; Page 521, line 4; Page 521, lines 20-24+; Page 524, Lines 11-16, 9-12; Page 522, line 16; Page 541; Page 543, line 7; Page 543, line 13; Page 529 lines 12-17; Page 568, Line 17; page 553, Line 4; Page 565 lines 17-19.

In the Court of Common Pleas, 14th Judicial Circuit: October 13, 2015

August 19, 2016, Page 27 lines 6-7; January 19, 2016; February 29, 2016; March 4, 2016

Motions

Motion for Summary Judgment, October 19, 2015

Motion to Compel Caller ID, February 23, 2016

Motion to Compel Forensic Analysis Video, February 19, 2016

Motion to Compel Forensic Analysis Letter, February 12, 2016

Depositions

December 16, 2015. Jeffrey C. Moss, Jill M. McAden, Michelle M. Brockway

McAden Deposition, pages 16, 17, 18, 90

Moss Deposition, page 67-68

February 5, 2015, Alice W. Walton, page 259

February 16, 26, 2015, Donald O. Clendaniel, page 48

February 26, 2015, Jennifer Staton, page 19

Laws and Cases

Brown v. James. Opinion 4674. THE STATE OF SOUTH CAROLINA, In The Court
of Appeals.

Conley v. Gibson, 355 U.S. 41 at 48 (1957).

Family Educational Rights and Privacy Act (“FERPA”)

Federal Rules of Civil Procedure: Rule 12(b) and Rule 56(c)(4).

Gonzales v. McEuen, 435 F. Supp. 460 (C.D. Cal. 1977) U.S. District Court for the Central District of California - 435 F. Supp. 460 (C.D. Cal. 1977) March 2, 1977.

Hall v. Board of Trustees School District No. 2, 330 S.C. 402, 409.

Kizer v. Dorchester County Vocational Education Board of Trustees, 287 S.C. 545, 340 S.E.2d 144 (1986)

Maty v. Grasselli Chemical Co., 303 U.S. 197 (1938)

Middleton v. Charleston County Case No. 13-CP-10-7094, THE STATE OF SOUTH CAROLINA, In The Court of Appeals.

South Carolina Rules for Civil Procedure: Rule 1.0(f); Rule 1.6; Rule 1.2(d); Rule 3.3(3); Rule 6(d); Rule 7.02; Rule 11(b); Rule 110(a)(2).

South Carolina Rules of Professional Conduct: Rule 1.12; Rule 8.4(a), Pages; Rule 407

South Carolina Teacher Employment and Dismissal Act ("TEDA") Act 59-25-430 through 59-25-480.

Stand Alone Documents (Copies were provided to Respondent)

Note: Numbers conform to Numberings in Initial Brief

1. Board Minutes, 6/5/14
1. Auxiliary. Board Minutes, 6/5/14; 8/5/14; False Minutes for same.
2. Moss email confirming termination. "current"
3. Ratification of Termination
3. Auxiliary. Walton testifies to illegality of ratification publication
4. Brown v James

5. TEDA (Teacher Employment and Dismissal Act)
6. Motion in Limine
7. Rule 110(a)(2) Motions time of filing
8. Rule 6(d) Motions time of filing
9. Duff email 4/22/15, not on witness list, preliminary objections
10. Motion to Compel. Video Evidence
11. FOIA Request Emails
12. To Duff re: 12/10/13 letter authenticity. Attorneys ignore Appellant
13. Corrections suggested for Duff Proposed Order
13. Auxiliary. Detailed corrections suggested for Duff Proposed Order
14. Grade Book. False
15. Grade Book. True
16. To Fawley & Williams. False Grade Book, email, 25 questions-mostly ignored.
17. To Duff. False Grade Book, emails
18. Improvement Plan. Receipt confirmed
19. Board Minutes. C&H fired. Duff hired 7/7/15
20. Duff letter re: Lead Counsel. 7/13/15
21. McMaster to Duff. 4/21/15. No delay. Preservation of Evidence not done
22. Walton letter 2/7/14. Student is singular.
23. Rosenbaum-Bloom evaluation 3/28/14
24. Rosenbaum-Bloom Affidavit 3/2/16
25. Walton General Job Description 3/25/14

26. C&H letter 3/18/15 re: Moss invitation claims. Changes to telephone.
27. Walton email 3/28/14. W. refuses attorney attendance at meeting
28. Moss 3/28/14. "Bring anyone you wish". Bauer wishes to bring attorney
29. McMaster 5/21/14. Litigation Hold letter to preserve evidence
30. C&H to McMaster. 6/26/14 "Staff will preserve Evidence"
31. To Duff 11/1/14. Dr. Bauer cannot cross examine.
32. Duff to McM. Email denying delay request, "not evidentiary"
33. Telephone Records (No calls from District)
34. Davis hired. Island Packet, July 1, 2014
35. Termination Documents

Respectfully Submitted,

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July 8, 2016

DESIGNATION CERTIFICATE

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Appellant

v

Beaufort County
School District

Respondent

DESIGNATION CERTIFICATE

I certify that the Designation of Matter contains no matter which is irrelevant to the appeal

July 8, 2016

John Alden Bauer, III, pro se
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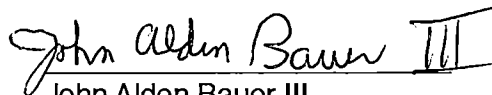
JUL 08 2016

SC Court of Appeals

CERTIFICATE OF SERVICE VIA US MAIL

The undersigned, John Alden Bauer III, pro se, certifies that he has served the following counsel of record with the foregoing Designated Matter by making a copy of same, postage prepaid, and return address clearly indicated to the following on the 8th day of July, 2016.

David Duff, Esq
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3700 Forest Dr.
Suite 404
Columbia, SC 29204



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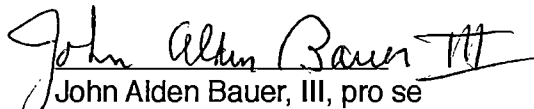
Beaufort County
School District

Respondent

PROOF OF SERVICE

I certify that I have served the Designation of Matter on the Beaufort County School District by depositing a copy of it in the United States Mail, postage prepaid, on July 8, 2016 addressed to the attorney of record, David T. Duff, of Duff White and Turner, 3700 Forest Dr., Suite 404, Columbia, SC 29204

July 8, 2016


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