

John Alden Bauer, III
5 Gumtree Rd. E-11
Hilton Head Island, SC 29926

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AUG 15 2016

SC Court of Appeals

August 12, 2016

V. Claire Allen
Deputy Clerk of Court
PO Box 11629
Columbia, SC 29211

Re: John Alden Bauer, III v. Beaufort Co. Sch. Dist.
Appellate Case No. 2016-000955

Dear Ms. Allen:

I received the copy of the letter to you from David T. Duff, also dated August 12, 2016.

My Amended Initial Brief was slightly delayed while I anticipated answers from Mr. Duff on two effects. I had asked Mr. Duff if he would object to my using a quotation in my Brief from a Board member about my hearing. Mr. Duff did not respond to anything so I filed the Brief today, reluctantly omitting the quotation.

Mr. Duff claims that I did not use exhibit numbers on "page 4, 7-10". He apparently did not understand the Document Legend:

"(BH = Board Hearing Exhibit number. P = Petitioner; A = Appellant)"

Number 9 reads: "*BH-A276. Alice Walton General Job Description 3/25/14 (Human Resources)*" That means (BH) Board Hearing Exhibit 276. 276 was the number assigned at the hearing.

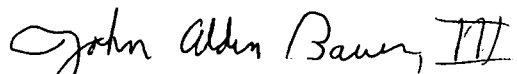
Number 10 is District Exhibit 48. It was marked A48 instead of P48.

Number 7 represented withheld evidence that should replace the false evidence BH-P2. Correspondence informed all attorneys of the false grade book, prior to the hearing.

Number 8 is the affidavit from Dr. Rosenbaum-Bloom sent to the Court of Common Pleas. No exhibit numbers to anything were assigned in the lower court. The affidavit expressed concern over factual errors in the Board order, and

that her professional judgment had been mis-characterized in that Order. The exhibit number referenced in her affidavit is BH-A47, as assigned during the hearing. Allegedly written by Mr. Duff, the Board Order obviously erred concerning the timing and the requested content (BH-A276) of Dr. Rosenbaum-Bloom's evaluation of Appellant.

Very truly yours,


John Alden Bauer, III

copies: David Duff, esq.
 Drew Davis, esq.
 David Lyon, esq.

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DUFF, WHITE & TURNER, L.L.C.

ATTORNEYS AND COUNSELORS AT LAW
POST OFFICE BOX 1486
COLUMBIA, SOUTH CAROLINA 29202

3700 FOREST DRIVE, SUITE 404
COLUMBIA, SOUTH CAROLINA 29204
WWW.DWTLAWFIRM.COM

TELEPHONE
803 / 790-0603

FACSIMILE
803 / 790-0605

DAVID T. DUFF**1
ANDREA E. WHITE
MEREDITH L. SEIBERT
WILLIAM C. FREEMAN
DAVID N. LYON
ASHLEY C. STORY

OF COUNSEL
M. JANE TURNER
LAURA CALLAWAY HART

sender's email address
dduff@dwtlawfirm.com

* CERTIFIED SPECIALIST IN EMPLOYMENT AND LABOR LAW
1 CERTIFIED CIVIL ARBITRATOR AND MEDIATOR

August 12, 2016

VIA HAND DELIVERY

V. Claire Allen
Deputy Clerk, South Carolina Court of Appeals
1015 Sumter Street
Columbia, South Carolina 29201

Re: John Alden Bauer, III v. Beaufort County School District
Appellate Case No. 2016-000955

Dear Ms. Allen:

I am writing as counsel to the Respondent, Beaufort County School District, in the above matter. On July 29, 2016, the Court filed an Order granting in part Respondent's motion to strike Appellant's Designation of Matter and Initial Brief because both contained references to matters not presented to the lower adjudicative bodies. The Order directed Appellant to serve and file an amended Designation of Matter and an amended Initial Brief within 10 days of the Order.

Although Appellant timely served his amended Designation of Matter, which was received by the undersigned on August 9, as of today, Appellant has not yet served an amended Initial Brief. Respondent respectfully asks the Court to dismiss the appeal or take other appropriate action.

Respondent reserves the right object, through the appropriate motion, to the amended Designation of Matter when Appellant has fully complied with the Court's order, on the ground that his Designation still contains numerous matters not in the record of the proceedings below. Appellant continues to list documents by their description rather than by the exhibit numbers assigned in the proceedings below. See Appellant's Amended Designation of Matter p. 4, 7-10. If Appellant believes these documents exist in the record, he should cite to them according to their assigned exhibit numbers, not random descriptors.

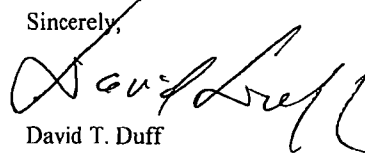
Thank you for your consideration of this matter.

<Signature on Next Page>

COPY

Ms. V. Clair Allen
August 12, 2016
Page 2

Sincerely,

A handwritten signature in cursive script, appearing to read "David T. Duff".

David T. Duff

/emb

Cc: Mr. John Alden Bauer, III
Drew H. Davis, Esq.
David N. Lyon, Esq.

J.A. Bauer, III

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