

SECONDED AMENDED DESIGNATION OF MATTER  
to be Included in the Record on Appeal

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPELLATE CASE NO. 2016-000955

**RECEIVED**  
AUG 22 2016  
SC Court of Appeals

John Alden Bauer III

Appellant

v

Beaufort County  
School District

Respondent

SECOND AMENDED DESIGNATION OF MATTER  
to be Included in the Record on Appeal

August 22, 2016  
John Alden Bauer III, pro se  
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Respondent Counsel of Record  
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Duff, White & Turner, LLC  
3700 Forest Dr.  
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**Amended Designations (29 items deleted. For clarity see Addendum; Pages 6-10)**

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

Specificity:

Pages: 18-19, 22-24, 26-44, 37-38, 43, 46, 84-91, 92-93, 111, 126, 128, 133, 174, 185, 209, 210, 237, 262-263, 266, 282, 319, 345, 349, 350, 358-360, 361, 371, 373, 385-386, 404-405, 422, 424-426, 438, 450, 458, 471, 489-491, 494, 509, 515, 521-522, 524, 528, 529, 530, 541, 543, 543, 553, 555, 564-566, 568, 570.

**In the Court of Common Pleas, 14th Judicial Circuit; Hearing Transcripts and Orders:**

October 13, 2015 Transcript, pages 17 to 19.

August 19, 2015 Transcript, pages 18 to 19.

January 19, 2016 Transcript, pages 8, 22-26, 29, 31, 47, 60, 62

February 29, 2016 Transcript, pages 10, 16, 46 to 47.

March 4, 2016 Transcript, pages 8, 13, 14.

**Motions**

Motion for Summary Judgment, October 19, 2015  
Pages 2 to 5 of Memorandum

(Motion to Board to Schedule Hearing, October 21, 2015----Referenced repeatedly at Board Hearing and Court of Common Pleas; not challenged.)

Motion to Compel Forensic Analysis Video, February 19, 2016; Pages 3 to 4

Motion to Compel Forensic Analysis Letter, February 12, 2016; Pages 3 to 5

**Documents** (29 total documents deleted--see Addendum; Pages 6-10)  
(BH = Board Hearing Exhibit number. P = Petitioner; A = Appellant)  
Board Hearing page numbers are listed above.

1. Board Minutes, 6/5/14 (Published Public Document)
2. Ratification of Termination (Published Public Document)
3. BH-A59. Brown v James
4. BH-A42A. TEDA (Teacher Employment and Dismissal Act)
5. Motion to Compel. Video Evidence (Court of Common Pleas)
6. BH-P2. Grade Book. False
7. Withheld. Grade Book. True (Court of Common Pleas)
8. Dr. Rosenbaum-Bloom Affidavit 3/2/16 (Court of Common Pleas)
9. BH-A276. Alice Walton General Job Description 3/25/14 (Human Resources)
10. BH-P28. George McMaster 5/21/14. Litigation Hold letter to preserve evidence
11. BH-A45. McAden Letter 12/13/1013 (sic)
12. BH-A 225. Speculated Charges
13. Final Termination Documents July 1, 2014 (withheld until June 14, 2016)
14. Lauren Martel Affidavit

**Laws and Cases** (Page numbers vary from copy to copy according to fonts)

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

Family Educational Rights and Privacy Act ("FERPA")

Fields-Lary v. Charleston County School District. 2014-CP-10-1480

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 Constitution, Section 22

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.

Exhibits that were admitted, but removed from the Board Hearing Transcript Index. Hopefully these will be restored for the Court's consideration.

Exhibit Admission Number	Board Hearing Page where admitted	Status
13	398	Missing
14	395	Missing
15	404	Missing
16	408	Missing
17	412	Missing
18	425	Missing
19	433	Missing
20	445	Missing
22	449	Missing
23	461	Missing
24	472	Missing
25	475	Missing
26	485	Missing
27	Referenced 497	Missing
28	494	Missing
29	496	Missing

**Addendum Pages**  
to make it easy to see the 29 items that were  
deleted from the original Designation of Matter

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

Specificity

*Opening Statement:* Appellant (Respondent at the time) Pages 26-44

Also Pages: 18-19, 22-24, 38-39, 43, 46, 84 to 91, 92, 111, 128, 133, 174, 185, 209, 210,  
237, 262, 266, 282, 319, 345, 349, 350, 358-359, 360, 361, 371, 373, 385-386, 404-405,  
422, 424-426, 438, 450, 458, 471, 489-491, 494, 509, 515, 521, 522, 524, 528, 529, 530,  
541, 543, 543, 553, 555, 565-566, 568, 570

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February 29, 2016 Transcript, pages 10, 16, 46 to 47.

March 4, 2016 Transcript, pages 8, 13, 14.

**Motions**

**Deleted Motion to compel caller ID**

Motion for Summary Judgment, October 19, 2015  
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Pages 3 to 4

Motion to Compel Forensic Analysis Letter, February 12, 2016  
Pages 3 to 5

**Deleted** Depositions as Utilized or Cited in Board Hearing

**Deleted** McAden Deposition, December 16, 2015, pages 16, 17, 18

**Deleted** Moss Deposition, December 16, 2015, pages 40, 67-68

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

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

### **Documents**

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

Board Hearing page numbers are listed above.

1. Board Minutes, 6/5/14 (Published Public Document)
2. **Deleted** Board Minutes, 6/5/14; False Minutes for 6/5/14, substituted 8/5/14
3. **Deleted** Superintendent Moss email confirming termination, "current"
4. Ratification of Termination. (Published Public Document)
5. **Deleted** Walton testifies to illegality of ratification publication
6. BH-R59. Brown v James
7. BH-A42A. TEDA (Teacher Employment and Dismissal Act)
8. **Deleted** (Motion in Limine)

9. **Deleted** (Rule 110(a)(2) Motions time of filing)
10. **Deleted** (Rule 6(d) Motions time of filing)
11. **Deleted** (David Duff email 4/22/15, not on witness list, preliminary objections)
12. Motion to Compel. Video Evidence
13. FOIA Request for Emails
14. **Deleted** To David Duff re: 12/10/13 letter authenticity. Attorneys ignore Appellant
15. **Deleted** (Short Proposed Final Order Portion)
16. BH-P2. Grade Book. False
17. BH = Withheld. Grade Book. True
18. **Deleted** To Fawley & Williams of Childs and Halligan. False Grade Book, email, 25 questions-mostly ignored.
19. **Deleted** To David Duff. False Grade Book, emails
20. **Deleted** Improvement Plan. Receipt confirmed
21. **Deleted** (Board Minutes. Childs and Halligan fired. David Duff hired 7/7/15)
22. **Deleted** David Duff re: lead attorney, July 13, 2015 (Childs and Halligan fired but still listed)
23. **Deleted**. (George McMaster to David Duff, 4/21/15. No delay asked. Preservation of Evidence = not done)
24. **Deleted** (BH-P3. Alice Walton (Human Resources) letter 2/7/14. "Student" is singular.)
25. BH-P6, A-47. Dr. Rosenbaum-Bloom evaluation 3/28/14
26. Dr. Rosenbaum-Bloom Affidavit 3/2/16
27. BH-A276. Alice Walton General Job Description 3/25/14 (Human Resources)
28. **Deleted**. (Childs and Halligan letter 3/18/15 re: Jeffrey Moss (superintendent) invitation claims. Changes to telephone.)
29. **Deleted** (BH-P9. Alice Walton email 4/28/14. Walton refuses attorney attendance at meeting)
30. **Deleted** (BH-P9, A25-27. Jeffrey Moss 4/28/14. "Bring anyone you wish". Bauer wishes to bring attorney)
31. BH-P28. George McMaster 5/21/14. Litigation Hold letter to preserve evidence
32. **Deleted**. (Childs and Halligan to McMaster, 6/26/14 "Staff will preserve Evidence" (Staff failed to do so)
33. **Deleted**. (To David Duff 11/1/14. Dr. Bauer cannot cross examine. Attorneys had ignored questions.)
34. **Deleted** (David Duff to George McMaster. Email denying delay request, "not evidentiary")
35. **Deleted**. Telephone Records (No calls from District)
36. BH-A45. McAden Letter 12/13/1013 (sic)
37. BH-A 225. Speculated Charges

38. Final Termination Documents July 1, 2014. (withheld until June 14, 2016)

39. Lauren Martel Affidavit

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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.

**Deleted** Schwere v. Board of Examiners, United States Reports 353 U.S. {pages 238, 239}

**Deleted** (Curtis) Shell v. Richland County School District, 608 S.E.2d 428 (S.C. 2005).

**Deleted** Sims v. Aherns, 271 SW 720 (1925),

South Carolina Constitution, Section 22

**Deleted** South Carolina Rules for Civil Procedure: Rule 1.0(f), Pages 20; Rule 1.2(d),

**Deleted** 20; Rule 1.6, Page 20; Rule 3.3(3), Page 20, Rule 6(d), Page 12; Rule 11(b) Page 32; Rule 110(a)(2),

**Deleted** South Carolina Rules of Professional Conduct: Rule 1.12; Rule 8.4(a) Rule 407

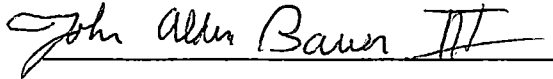
South Carolina Teacher Employment and Dismissal Act (“TEDA”) Act 59-25-430 through 59-25-480.

**RECEIVED**

AUG 22 2016

SC Court of Appeals

Respectfully Submitted,



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August 22, 2016

**DESIGNATION CERTIFICATE**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

**RECEIVED**

AUG 22 2016

SC Court of Appeals

\_\_\_\_\_  
APPELLATE CASE NO. 2016-000955  
\_\_\_\_\_

John Alden Bauer, III

Appellant

v

Beaufort County  
School District

Respondent

\_\_\_\_\_  
**DESIGNATION CERTIFICATE**  
\_\_\_\_\_

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

August 22, 2016

*John Alden Bauer III*

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[aldenbauer706@gmail.com](mailto:aldenbauer706@gmail.com)

**PROOF OF SERVICE OF SECOND AMENDED DESIGNATION OF MATTER**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

**RECEIVED**

AUG 22 2016

SC Court of Appeals

APPELLATE CASE NO. 2016-000955

John Alden Bauer, III

Appellant

v

Beaufort County  
School District

Respondent

**PROOF OF SERVICE**

I certify that I have served the Second Amended Designation of Matter on the Beaufort County School District by depositing a copy of it in the United States Mail, postage prepaid, on August 22, 2016, addressed to the attorney of record, David T. Duff, of Duff White and Turner, 3700 Forest Dr., Suite 404, Columbia, SC 29204

*John Alden Bauer III*

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