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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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OCT 17 2016

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas

SC Court of Appeals

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

Case No.: 2015-CP-07-1343
APPELLATE CASE NO. 2016-000955

John Alden Bauer, III

Appellant

v

Beaufort County
School District

Respondent

**MOTION TO STRIKE RESPONDENT'S
DESIGNATION OF MATTER**

Please take notice that Appellant will move to strike, in whole or in part, Respondent's Designation of Matter on the following grounds.

1. On page 3 of his Initial Brief, Respondent explains that the school board concluded that good and sufficient reasons exist to terminate Bauer's employment for reasons derived from:
 - a An incident on February 5, 2014
 - b Insubordinate conduct in the aftermath.

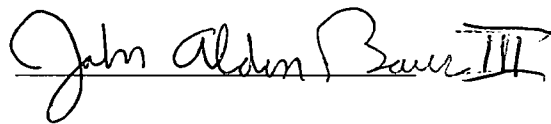
2. In Superintendent Dr. Jeffrey C. Moss Letter of June 6, 2014, Dr. Moss says that he is recommending Appellant's termination based on:
 - a An incident on February 5, 2014
 - b Insubordinate conduct in the aftermath.

Therefore, the only evidence to be considered should be derived from the February 5, 2014, incident and the aftermath.

Appellant moves to strike any references, contained in documents listed below, to uncharged accusations that predate February 5, 2014, in Respondent's Designation of Matter:

- 1 Transcript of the School Board Hearing occurring between April 30 and May 2, 2015, 2015 with all exhibits (that predate February 5, 2014)
- 2 School Board Order dated May 19, 2015
- 3 Amended Answer and Return of Respondent, November 5, 2015
- 4 January 19, 2016 Circuit Court Hearing Transcript pages 1-17 and 33-42
- 5 Circuit Court Order, February 19, 2016.
- 6 February 29, 2016 Circuit Court Hearing Transcript. Pages 1-18 and 44-48
- 7 Circuit Court Order, March 2, 2016

Respectfully Submitted,



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October 17, 2016

CERTIFICATE OF SERVICE VIA US MAIL
AND VERIFIED ELECTRONIC MAIL

The undersigned, John Alden Bauer, III, pro se, certifies that he has served the following Counsel of Record with the foregoing MOTION TO STRIKE RESPONDENT'S DESIGNATION OF MATTER by making a copy of same, via verified electronic mail, and via US Mail, postage prepaid, and return address clearly indicated to the following on the 17th day of October, 2016.

David Duff, Esq.
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