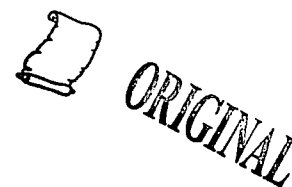


THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

 ORIGINAL

APPEAL FROM BEAUFORT COUNTY  
Court of Common Pleas

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

RECEIVED

Case No. 2015-CP-07-1343  
Appellate Case No. 2016-000955

DEC 05 2016

SC Court of Appeals

John Alden Bauer, III,

Appellant,

v.

Beaufort County School District,

Respondent.

**RESPONDENT'S MOTION TO STRIKE AND MOTION TO COMPEL APPELLANT  
TO PREPARE THE RECORD ON APPEAL IN ACCORDANCE WITH RULE 210**

Pursuant to Rule 210 and 240 of the South Carolina Appellate Court Rules, Respondent Beaufort County School District hereby moves the Court to strike portions of Appellant's Record on Appeal and to Compel Appellant to include in the record those documents Respondent designated in its Designation of Matter.

Appellant submitted his Record on Appeal on or about November 28, 2016. The record is improper pursuant to Rule 210(c) because it erroneously included documents that Appellant did not designate in his Second Amended Designation of Matter, served August 22, 2016, as limited by the Court's Order granting Respondent's Motion to Strike, filed October 14, 2016. Therefore, Respondent moves to strike the following impermissible documents:

- "Short Proposed Final Order Portion," RA. pp. 284-297.

- “Corrections (suggested) to the Proposed Order that was Submitted by David Duff 3/4/2016” RA. pp. 49-76.
- “Appellant’s Pre-Trial Brief, RA. Pp. 77-145.
- “Motion to preserve Claim of Error” and its accompanying “Appellant Memoranda” RA. Pp. 162-166.
- Duff email to Bauer, April 22, 2015. RA. Pp. 277-278

Additionally, page 290 of the Record is a page from an empty gradebook with the header “16. Grade book. False.” Although pages from an empty gradebook were presented during the School Board’s hearing, those pages were not accepted into evidence with the header “Grade book. False.” Respondent request that the Court strike these items from the Record.

Secondly, Respondent moves the Court to compel Appellant to include in the Record documents that Respondent designated pursuant to Rule 210(c). These documents are:

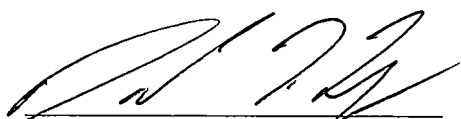
- The full Transcript of the School Board Hearing, occurring between April 30 and May 2, 2015, with all exhibits attached thereto.
- Amended Answer and Return of Respondent, November 5, 2015.
- January 19, 2016 Circuit Court Hearing Transcript pp. 1-17, 33-42.
- Circuit Court Order, February 19, 2016.
- February 29, 2016 Circuit Court Hearing Transcript, pp. 1-18, 44-48.
- March 4, 2016 Circuit Court Hearing Transcript, pp. 1-46.

Appellant also submitted an unsigned copy of Judge Duke’s October 19, 2015 Order. To the extent he wishes this Order to be included in the Record, Appellant should include the signed version of this Order.

On or around December 2, 2016, Respondent informed Appellant of his errors and offered to provide any additional documents Appellant needs to properly prepare a Record that complies with Rule 210. Respondent nevertheless is compelled to file the instant motion.

Respondent finally requests that the deadlines for filing final briefs be stayed and reset once the complete and proper Record has been filed, thereby giving both parties the 20 days to file their final briefs as contemplated by Rule 211.

Respectfully Submitted,



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Attorneys for Respondent Beaufort County  
School District

December 5, 2016  
Columbia, SC

THE STATE OF SOUTH CAROLINA  
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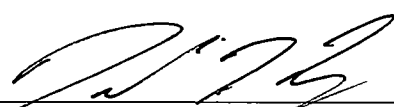
Beaufort County School District,

Respondent.

**PROOF OF SERVICE**

I certify that I have served Respondent's Motion To Strike And Motion To Compel Appellant To Prepare The Record On Appeal In Accordance With Rule 210, by depositing a copy of it in the United States Mail, postage prepaid, on December 5, 2016, addressed to *pro se* Appellant John Alden Bauer, III, 109 Ashton Hill Drive, Columbia, South Carolina 29229.

December 5, 2016

  
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December 5, 2016

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† CERTIFIED CIVIL ARBITRATOR AND MEDIATOR

V. Claire Allen, Esq.  
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:

Enclosed for filing is an original and six copies of Respondent's Motion to Strike and Motion to Compel Appellant to Prepare the Record on Appeal in Accordance with Rule 210, along with a Proof of Service for same.

Thank you for your assistance in this matter.

Sincerely,



David T. Duff (S.C. Bar# 1768)

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Enclosures

c: John Alden Bauer, III (Via U.S. Mail)  
109 Ashton Hill Drive  
Columbia, SC 29229  
Appellant

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