

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

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DEC 06 2016

SC Court of Appeals

APPEAL FROM BEAUFORT COUNTY

Court of Common Pleas

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

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

Appellant reminds Respondent that the Order of July 29, 2016, from the Honorable Paul Short, allowed certain and specific non-compliance guidelines to Rule 210, so Respondent's motion is not appropriate.

Respondent's request to include a "*full trial transcript*" (Board Hearing) "*with exhibits*" (one copy = 1175+ pages) is contradictory to Rule 210(c) "*Where a portion of a page of the trial transcript, or a page of an exhibit or document, is to be included in the Record on Appeal, the entire page shall be included.*" Does that not mean that the court does not wish to be burdened with meaningless pages, that would waste thousands of sheets of paper?

One of the district's exhibits was 102 empty loose leaf pages of an invalid Walmart Grade Book, whereas the valid roll book that Appellant used in his classes was withheld by the district until after the hearing. Those empty pages would waste 1,836 leafs.

All of the items in Mr. Duff's letter of December 1, 2016, that he called "*impermissible*" should have been permissible by the fact that they were "*presented to the lower court*" Rule 210(c).

Appellant assumes that a separate motion for that may be necessary to restore those to the Designation of Matter.

The Honorable Marvin H. Dukes, III did not allow *any* exhibits from anyone at any of the hearings, but indicated that filing was all that was necessary.

Respectfully Submitted,

John Alden Bauer III

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December 5, 2016

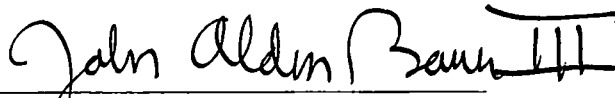
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CERTIFICATE OF SERVICE VIA US MAIL

The undersigned, John Alden Bauer, III, pro se, certifies that he has served the following Counsel of Record with the foregoing APPELLANT'S RETURN TO RESPONDENT'S MOTION TO STRIKE AND MOTION TO COMPEL APPELLANT TO PREPARE THE RECORD ON APPEAL IN ACCORDANCE WITH RULE 210 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 5th day of December, 2016.

David Duff, Esq.
Duff, White and Turner
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