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December 1, 2016

RECEIVED

DEC 01 2016

SC Court of Appeals

Mr. John Alden Bauer, III  
109 Ashton Hill Drive  
Columbia, SC 29229

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

Dear Mr. Bauer:

We have received a copy of the Record on Appeal you have prepared. Unfortunately, the Record you submitted does not comply with Rule 210 of the South Carolina Appellate Court Rules. Under that Rule, you, as the Appellant, are responsible for preparing the Record which "shall include all matter designated to be included by any party." Accordingly, any proposed Record you prepare and serve must include the matters you designated and the matters the Respondent designated.

Upon our review of the Record you submitted, it appears you have included documents that you did not designate in your 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. These impermissible documents include:

- "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

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Additionally, on page 290 of the Record, you have included a gradebook page, which includes the header, "16. Grade book. False." Although I recognize that pages from an empty gradebook were presented during the School Board's hearing, we object to a copy of this document that also includes a heading indicating your position that this document is false.

Finally, you have submitted an unsigned copy of Judge Duke's October 19, 2015 Order. The Record should include the signed version of this Order, which I can provide to you.

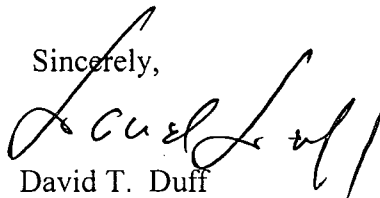
Secondly, the Record also excludes documents that we designated, and which must be included in the Record on Appeal pursuant to Rule 210(c). These documents are:

- 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.

We are happy to provide the omitted documents to you to ease your burden in compiling them. However, the Record will still need to be produced in the order mandated by Rule 210. In the meantime, we are determining whether we should file motion with the Court of Appeals explaining the need to amend and/or correct the Record you have prepared and requesting additional time for the submission of the corrected Record and our briefs.

Please let me know if I can provide you with any of the documents you excluded from the Record.

Sincerely,



David T. Duff

Cc. V. Claire Allen, Deputy Clerk of Court of South Carolina Court of Appeals  
Drew Davis, Esq.  
David N. Lyon, Esq.