

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas

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

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

John Alden Bauer, III,

v.

Beaufort County School District,

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DEC 12 2016
Appellant, SC Court of Appeals

Respondent.

**RESPONDENT'S REPLY TO 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.**

Pursuant to Rule 240(f), Respondent Beaufort County School District hereby submits its Reply to Appellant's Return to the District's Motion to Strike and Motion to Compel Appellant to Prepare the Record on Appeal in Accordance with Rule 210. The Record on Appeal that Appellant submitted is improper pursuant to Rule 210(c) because it erroneously included documents that Appellant did not designate in his Second Amended Designation of Matter and excluded documents that Respondent designated in its Designation of Matter. With regard to the items Respondent designated, Appellant did not previously object to them; nor can he legitimately do so, because the designated items are portions of transcripts and exhibits from the proceedings below. Because the fundamental issue in this appeal of the school board's decision

to terminate Bauer's employment is whether substantial evidence supports that decision, the transcripts and the exhibits designated are clearly material and relevant.

For the reasons stated herein and as more thoroughly explained in its Motion, Respondent requests that the Court grant its motion to strike from the record those matters not included in Appellant's designation of matter and to compel Appellant to include Respondent's properly designated matters in the Record. Respondent also reiterates its requests that this Court reset the deadlines for filing final briefs once a 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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School District

December 12, 2016

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

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John Alden Bauer, III,

Appellant,

v.


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 12, 2016, addressed to *pro se* Appellant John Alden Bauer, III, 109 Ashton Hill Drive, Columbia, South Carolina 29229.

December 12, 2016


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December 12, 2016

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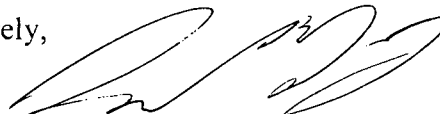
Re: John Alden Bauer, III, v. Beaufort County School District
Appellate Case No. 2016-000955

Dear Ms. Allen:

Enclosed for filing is an original and six copies of Respondent's Reply to 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, 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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Attorneys for Respondent Beaufort County School
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Enclosures

c: John Alden Bauer, III (*Via U.S. Mail*)
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Columbia, SC 29229
Appellant