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JAN 30 2017

SC Court of Appeals

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM BEAUFORT COUNTY  
Court of Common Pleas

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

APPELLATE CASE NO. 2016-000955

John Alden Bauer, III

Appellant

v

Beaufort County  
School District

Respondent

**APPELLANT'S REPLY TO RESPONDENT'S RETURN  
TO APPELLANT'S MOTION TO RECONSIDER**

The Court Order of January 12, 2017, signed by James E. Lockemy, was appreciated and Appellant is grateful.

This Reply will expose the errors in Respondent's Return and will affirm that Appellant's Motion to Reconsider had to do with only one phrase from one sentence as follows: **"...which includes...School Board Hearing Transcript with all attached**

**exhibits;...”** From Court Order, January 12, 2017.

- Respondent’s wording “...*the court...instructed Appellant to submit a supplemental record...Appellant now asks the court to reconsider that portion of the Order*” seems designed to claim that Appellant is asking the court to reconsider the requirement for a supplement to the Record on Appeal.
- Contrarily, Appellant is thankful for being allowed to provide a supplement to the Record on Appeal rather than a total resubmission. The Order was appropriate and generous.
- Two Core Contentions for a Reconsideration of One Phrase:
  1. What is the point of blank pages of an unused Walmart grade book when the grade book used by Appellant is available? The grade book used by Appellant was a Hammond & Stephens grade book issued by the Beaufort County School District (“BCSD” i.e., Respondent).
  2. What is the point of reproducing hundreds of meaningless pages of a transcript that do not address the issues?
- If Appellant’s request is granted the supplement would fully comply with Rule 210(c) without the enhanced requirements demanded by Respondent.

**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.”*

This clearly indicates that not all pages of a transcript nor all pages of exhibits

need be included.

- Respondent did not address how his bid comported with Rule 210(c)
- Respondent's writing that the Motion was "*in the nature of a petition for rehearing*" relies on tacit arcane technicalities [*"petitions for rehearing" Rule 221(c)*] to obscure Appellant's simple request. Appellant did not petition for a rehearing, only for a reconsideration of one phrase in the Order.
- Respondent's footnote that he will agree to reproducing only 20 blank pages of the Walmart Grade Book is absurd.
- It is demonstrable that Counsel for Respondent and the Chairman of the BCSD School Board, William Evans, KNOWINGLY allowed the false Walmart grade book as evidence, and they KNOWINGLY allowed Respondent to withhold the grade book utilized by Appellant, a Hammond & Stephens grade book that had been issued by BCSD (Respondent).
- NOTE: The use of the term "*Grade Book*" rather than "*Class Record*" is used here since Respondent used the term '*grade book*' at the BCSD School Board Hearing, and the term is generally understood.
- Cutting down to 20 blank pages of allegedly false evidence would improve the product by only 7 volumes from the unnecessary 50+ volumes demanded by Respondent.
- What is the point of blank pages that address no issue, or pages of a transcript that are meaningless?

The Issues in this appeal only involve violations of the Teacher Employment and Dismissal Act 59-25-410, 440, 450, 460, and 470, violations of case law, violations of SCRCF, violations of SCRPC, and demonstrably false statements in the lower court made by Respondent's Counsel. Any one of the violations will potentially reverse this case. There is very little in the School Board Transcript and exhibits dealing with the issues in this appeal.

Obviously, Respondent has never addressed the issues, only technicalities to scrimp the truth.

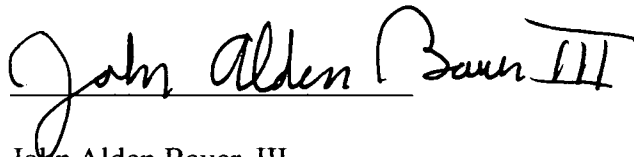
Conclusion: Appellant wishes to reproduce only those pages from the School Board transcript and exhibits that will be used as evidence for the issues. Blank pages should be omitted.

Respectfully Submitted,

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January 30, 2017

CERTIFICATE OF SERVICE VIA US MAIL  
AND VERIFIED ELECTRONIC MAIL

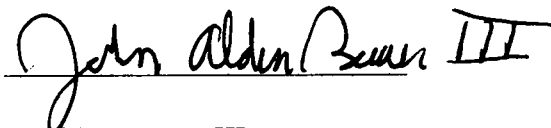
The undersigned, John Alden Bauer, III, pro se, certifies that he has served the following Counsel of Record with the foregoing APPELLANT'S REPLY TO RESPONDENT'S RETURN TO APPELLANT'S MOTION TO RECONSIDER by making a copy of same, via verified electronic mail, and via US Mail, postage prepaid, and return address clearly indicated to the following on the 30th day of January, 2017.

David Duff, Esq.  
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