

John Alden Bauer III
109 Ashton Hill Drive
Columbia, South Carolina 29229

March 26, 2017

David N. Lyon, Esq.
Duff & White, L.L.C.
P.O. Box 1486
Columbia, SC 29202

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MAR 28 2017
SC Court of Appeals

Dear Mr. Lyon;

Thank you for your email that came moments ago. Rule 211(b) did not anticipate court ordered wide-ranging modifications. That is precisely why I had written the Clerk of Court and suggested an amended Initial Brief to comport with the orders that have come from the court since August. The court did not so order.

However, I truly believe that the Final Brief, that I copied to you, will work for you, if you will tell me what you believe was not faithful to the Initial Brief.

I still wish that we could simplify things by offering an Amended Initial Brief that takes into account the court's orders. (I did not anticipate that the court would approve Mr. Duff's asking to strike documents that were your own documents as well as your own exhibits)

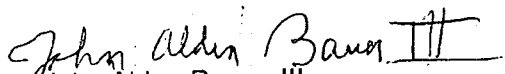
Taking my August Initial Brief and just putting in, or omitting, page numbers to the Record on Appeal would make little sense since much of it is no longer authorized.

Three solutions come to mind:

1. Submit the brief as it is now and see how the court rules on your objection.
2. Make emendations that you may suggest.
3. Use the August Initial Brief, adapted with page numbers where appropriate and omitting page numbers to documents that were struck, as The Final Brief--with a Memorandum that clarifies the content to comport with the Court's Orders.

Would you object to the memorandum?

Very truly yours,


John Alden Bauer, III

copy: Jenny Abbott Kitchings, Clerk of Court

To: Alden Bauer <aldenbauer706@gmail.com>
Cc: Dave Duff <dduff@dwtlawfirm.com>, "Davis, Drew H." <drew.davis@beaufort.k12.sc.us>, "Elizabeth M. Brown" <ebrown@dwtlawfirm.com>

Mr. Bauer,

Per Rule 211, SCACR, the final brief "shall be identical to the to the brief(s) previously served under Rule 208, except for the following: 1) References to the Record . . . and 2) Correction of Typographical Errors and Misspellings. . . ." The rule further states "No other changes may be made."

In comparing the proposed brief you have attached here with the Second Amended Initial Brief you filed on 8/22/16 (which appears to be fine final version of the initial brief accepted by the court) it appears to me that you have made significant changes to your brief, far beyond what is allowed by Rule 211.

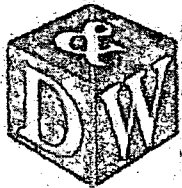
Accordingly, we will have no choice but to swiftly object to a brief that is filed that is different from your Second Amended Initial brief beyond what is allowed by Rule 211.
Sincerely,

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