

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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MAY 01 2017

SC 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,

Appellant,

v.

Beaufort County School District,

Respondent.

**RESPONDENT'S AMENDED RETURN TO APPELLANT'S MOTION TO
SUPPLEMENT FINAL BRIEF**

Pursuant to Rule 240(e), Respondent Beaufort County School District hereby submits its Amended Return to Appellant's Motion to Supplement his Final Brief. Appellant's motion should be denied.

On April 7, 2017, Appellant served his Motion to supplement his Final Brief. He did so without a proposed brief attached. On April 17, 2017, Respondent filed its Return, per Rule 240(e). On April 19, 2017, Respondent was served with the proposed Supplemental Brief, which has also been filed with this Court. Respondent now submits this Amended Return, with full knowledge of what is contained in Appellant's Supplemental Brief, and with greater confidence that the Supplemental Brief is unnecessary and improper.

In his Motion, Appellant asserted that certain arguments he made in his Final Brief are “no longer appropriate,” presumably as a result of several rulings this Court made in favor of Respondent’s several Motions to Strike. He asserted the Supplemental Brief would “clarify the extant issues” in his Final Brief.

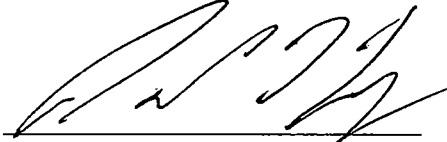
Contrary to these assertions, the proposed Brief does nothing to clarify the remaining issues or explain how certain of his previous arguments are no longer appropriate. The proposed Brief appears to be little more than a shortened version of Appellant’s Final Brief. The arguments made within it are arguments Appellant either did argue or could have argued in his Final Brief. No changes to the governing case law is identified.

If Appellant were allowed another opportunity to file a Supplemental Brief in this case, then Respondent would feel compelled to respond with its own Supplemental Response Brief. The result would be a repeat of the briefing procedure already completed and the additional expenditure of time and resources by both parties and this Court. No such procedure is contemplated by the rules, and no such special procedure is necessary in this case.

The Court is fully capable of interpreting all of its prior rulings, in conjunction with the parties’ Final Briefs, and can disregard any of Appellant’s arguments that are now inappropriate. For these reasons, Respondent respectfully requests that the Court deny Appellant’s Motion.

<SIGNATURE ON NEXT PAGE>

Respectfully Submitted,



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Attorneys for Respondent Beaufort County
School District

May 1, 2017

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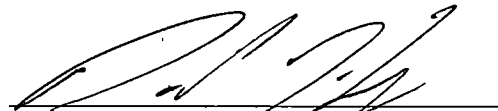
Beaufort County School District,

Respondent.

PROOF OF SERVICE

I certify that I have served the Respondent's Amended Return to Appellant's Motion to Supplement Final Brief of Appellant by depositing a copy of it in the United States Mail, postage prepaid, on May 1, 2017, addressed to *pro se* Appellant John Alden Bauer, III, 109 Ashton Hill Drive, Columbia, South Carolina 29229.

May 1, 2017



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May 1, 2017

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
P. O. Box 11626
Columbia, SC 29211

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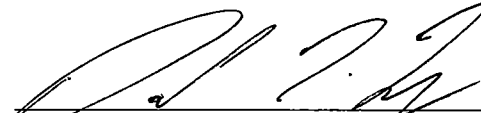
Re: John Alden Bauer, III, v. Beaufort County School District
Appellate Case No. 2016-000955

Dear Ms. Kitchings:

Enclosed for filing is Respondent's original Amended Return to Appellant's Motion to Supplement Final Brief with six copies and Proof of Service for same.

Please do not hesitate to contact me if you have questions.

Sincerely,



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Enclosures

c: John Alden Bauer, III - *pro se* Appellant