

THE STATE OF SOUTH CAROLINA

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In The Court of Appeals

MAY 02 2017

SC Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas

Marvin H. Dukes III, Master 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

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

On April 4, 2017 Appellant filed his Motion to Supplement his Final Brief. Respondent has since filed his Return on April 19, 2017 and filed his Amended Return on May 1, 2017.

Respondent claims that Appellant's Supplement to the Final Brief does nothing to explain how certain of his "*previous arguments are no longer appropriate*".

To Explain: Appellant's Final Brief contained arguments based on Respondent's own documents to prove, for example, that Appellant had been terminated with finality on July 1, 2014, ten (10 months) prior to his hearing, a violation of The Teacher Employment and Dismissal Act §§ 59-25-460 and 470, and contrary to the South Carolina Court of Appeals holding in *Brown v. James*, 389 S.C. 41, 697 S.E.2d 604 (Ct. App. 2010).

To clarify: Appellant's argument was based on the Board Minutes of June 5, 2014, the superintendent's confirmation email of June 16, 2014 "You are current [sic] no longer an employee", the official termination papers of July 1, 2014, the School Board's Official Ratification of the Termination, and the publication of that Board Ratification on September 2, 2014.

All of the above official documents were struck and it would be necessary for the court to ignore several pages of arguments in the Final Brief, that are based on those documents that can no longer be availed. That detracts from other emphatic evidence favorable to Appellant.

Appellant is fortunate to have the appropriate administrator's own words to verify the termination, Walton Testimony (S.R. p. 471, line 15)

"...asked on February 5th, 2015, if Mr. Bauer was terminated by the Board without a hearing," (Walton) "That is correct."

The example cited above should be sufficient to call for simplification and clarification of the other affected arguments, as well.

There is no need for Respondent to Supplement his brief, since none of his exhibits were removed from the official index, and shredded after being admitted (without objection) at the hearing. That only happened to Appellant's exhibits (Seventeen (17) of them). Those seventeen (17) exhibits were admitted, without objection, shredded, and their disappearance unexplained.

And none of Respondent's arguments were harmed by the striking of official district documents.

Nevertheless, if Respondent wishes to supplement his brief, Appellant would encourage him to do so, if it will simplify, clarify, and be relevant to the actual issues.

Appellant notes, with curiosity, that Respondent files at the last moment, and then states that Appellant extends "*Expenditure of time and resources to the case*". Contrarily, Appellant always files early.

Who gains public money with delays? It is not Appellant.

Who has been paid more than \$827,000, and counting, from the public treasury during this case? It is not Appellant.

This three (3) year denial of Due Process has only enriched attorneys for the district, and no one else.

Justice in this case is obvious. Let us get it accomplished.

"I pledge to seek justice, and justice alone; [So help me God]"

Rule 502.1 (Judges Oath)

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Respectfully Submitted,



John Alden Bauer, III

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May 1, 2017

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APPELLATE CASE NO. 2016-000955

John Alden Bauer, III

Appellant

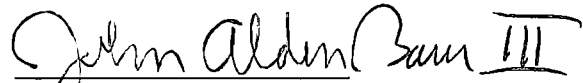
v

Beaufort County
School District

Respondent

PROOF OF SERVICE

I certify that I have served the APPELLANT'S REPLY TO RESPONDENT'S AMENDED RETURN TO APPELLANT'S MOTION TO SUPPLEMENT FINAL BRIEF on the Beaufort County School District by depositing a copy of it in the United States Mail, postage prepaid, on May 1, 2017 addressed to the attorney of record, David T. Duff, of Duff White and Turner, 3700 Forest Dr., Suite 404, Columbia, SC 29204.



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