

Alexander Pastene  
Post Office Box 22298  
Hilton Head Island, S.C., 29925  
email: alexanderpastene@yahoo.com  
843-605-5266

December 21st, 2013

Ms. Caroline > Scrantom, Esq.  
Law Clerk to Honorable Carmen T. Mullen  
Administrative Judge  
Beaufort County Court of Common Pleas  
B.C. Courthouse – Ribaut Road  
P.O. Box 1128  
Beaufort, South Carolina, 29901

Re: Case No. 2011-cp-0704407  
Pastene vs Thomas Trobaugh,  
Mr. & Mrs. N. Ginsburg, The  
Country Club of Hilton Head,  
ClubCorp. CCHH Tennis Comm.

Dear Ms. Scrantom:

I am in receipt of your letter and Order of December 11, 13 enclosed to it.

I must admit that receiving this order without having allowed me to be heard, which was the whole purpose of my Motion for Reconsideration, so, that I'd have the change to explain ostensible errors of fact and procedure (please note that this honorable court had closed a case that was still open) was a much unpleasant surprise.

What was the urgent urgency? I had been patiently waiting to be heard for months on end.

Anyway, my action against defendant W. Richard Beetle, is not for assault and defamation, but specifically for intentional negligence, which caused me actual damages. I don't know how else to say this. The CCHH and Club Corp are defendant Beetle's employers, and so, are much liable for their employee's negligence. As regards the actions against defendants Thomas Trobaugh and Norman Ginsburg for Assault were improperly dismissed because my Motion for Reconsideration should have stayed the whole case after July 25, 2013, which was not done.

Another thing, I did respond to Judge Kinard's Order within the thirty days required and later amended my response to indicate that defendant Beetle's wrongdoing was for intentional negligence and not accessory to assault, which is clearly stated in the face of my Complaint. A semantic matter nothing else.

Once again, I never filed any Motions or paid for any motions to Judge Kinard's Order. And, the Motion to Reconsider of July 25, 2013, was filed very much within the ten (10) days in accordance to Court procedure.

Sincerely,



cc. Attorneys Mary Bass Lohr and Terry Finger.



# The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS  
CLERK

V. CLAIRE ALLEN  
DEPUTY CLERK

POST OFFICE BOX 11629  
COLUMBIA, SOUTH CAROLINA 29211  
1015 SUMTER STREET  
COLUMBIA, SOUTH CAROLINA 29201  
TELEPHONE: (803) 734-1890  
FAX: (803) 734-1839  
www.sccourts.org

December 18, 2013

The Honorable Jerri Ann Roseneau  
PO Box 1128  
Beaufort SC 29901-1128

## REMITTITUR

Re: Alexander Pastene v. Thomas Trobough  
Lower Court Case No. 2011CP0704407  
Appellate Case No. 2013-002167

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

Very truly yours,

*V. Claire Allen, Deputy*

CLERK

Enclosure

cc: Alexander Pastene  
Mary Bass Lohr, Esquire  
Terry A. Finger, Esquire

**RECEIVED**

JAN 10 2014

**SC Court of Appeals**

# The South Carolina Court of Appeals

Alexander Pastene, Appellant,

v.

Thomas Trobough, Mr. and Mrs. Norman Ginsburg, W.  
Richard Beetle, Country Club of Hilton Head, Club Corp  
of Dallas, TX and CCHH Tennis Committee Members,  
Respondents.

Appellate Case No. 2013-002167

---

## ORDER

---

Respondent has filed a Motion to Dismiss this appeal as untimely and Appellant has filed a motion a Motion for an Extension. Both motions are denied. Additionally, because the circuit court has yet to act on Appellant's July 25, 2012 Motion for Reconsideration, we dismiss the appeal without prejudice so the circuit court may consider the motion. *See Hudson v. Hudson*, 290 S.C. 215, 349 S.E.2d 341 (1986) (noting an appeal may be dismissed without prejudice when the circuit court has not yet acted on a post-trial motion and "[a]ny party can appeal within ten (10) days after the order disposing of the post-trial motions").

  
FOR THE COURT

Columbia, South Carolina

cc:

**FILED**

11/27/13

Alexander Pastene  
Post Office Box 22298  
Hilton Head Island, S.C., 29925  
email: alexanderpastene@yahoo.com  
843-605-5266

December 9, 2013

By Electronic Mail

Honorable Carmen T. Mullen  
Administrative Judge  
Beaufort County Court of Common Pleas  
B.C. Courthouse – Ribaut Road  
P.O. Box 1128  
Beaufort, South Carolina, 29901

Re: Case No. 2011-cp-0704407  
Pastene vs Thomas Trobaugh,  
Mr. & Mrs. N. Ginsburg, The  
Country Club of Hilton Head,  
ClubCorp. CCHH Tennis Comm.

Dear Judge Mullen:

I am in receipt of S.C. Court of Appeals Order by Judge J. Cureton, AJ, of 11-27-13, denying defendants' Motion to Dismiss and remanding the case to circuit court, so, you may consider my motion of 7-25-12.

Additionally, I received copy of letter to you by opposing counsel dated 12-2-13, that I interpret as an attempt to secure a ruling against me instead of my long awaited hearing, which hearing is precisely what I had filed and paid for on 7-25-12. Please note that counsel Lohr was in error when she stated that my Motion was filed on 7-25-13.

Sincerely, and respectfully submitted,

by:



ALEXANDER PASTENE

Appearing *pro se*

Post Office Box 22298

Hilton Head Island, S. C, 29925

Tel 843-605-5266

On beautiful Hilton Head Island, South Carolina  
On this ninth day of December, 2013.

Attorney Mary B. Lohr  
HOWELL, GIBSON & HUGUES  
P.O. Box 40  
Beaufort, SC 29901

Attorney Terry Finger  
FINGER & FRASER  
P.O. Box 24005  
Hilton Head Island, SC 29925

**RECEIVED**

JAN 10 2014

**SC Court of Appeals**

**CERTIFICATE OF SERVICE**

The Plaintiff certifies that he served copy of his letter to Judge Mullen of 12-09-13, to Attorneys for defendants Ginsburg, Trobaugh, CCHH and Richard Beetle, Terry Finger at 35 Hospital Center Common, P.O. Box 24005, HHI, SC, 29925, and Mary B. Lohr at PO Box 40 Beaufort SC 29901. Signed: Alexander Pastene \_\_\_\_\_

HOWELL, GIBSON AND HUGHES, P.A.  
ATTORNEYS AT LAW

Post Office Box 40  
Beaufort, South Carolina 29901-0040  
www.hghpa.com

STEPHEN P. HUGHES  
PATRICK M. HIGGINS  
ROBERT W. ACHURCH III \*  
DAVID S. BLACK  
MARY BASS LOHR  
THOMAS A. BENDLE, JR.

25 RUE DU BOIS  
LADY'S ISLAND  
BEAUFORT, SOUTH CAROLINA 29907

TELEPHONE: 843 - 522-2400  
FAX NUMBER: 843 - 522-2429  
E-Mail: hghpa@islc.net  
WRITER'S DIRECT: 843 - 522-2428

WILLIAM T. YOUNG III

JAMES S. GIBSON, JR \*  
Of Counsel

\* Certified Mediator

December 2, 2013

Hon. Carmen Tevis Mullen  
Chief Administrative Judge, Beaufort and Jasper  
Beaufort County Court of Common Pleas  
Post Office Box 1128  
Beaufort, SC 29901

Re: Alexander Pastene vs. Thomas Trobough, Mr. and Mrs. Norman  
Ginsberg, W. Richard Beetle, Country Club of Hilton  
Head, Club Corp of Dallas TX. CCHH Tennis Committee Members  
Civil Action No.: 2013-002167  
Our File No: 11017 MBL

Dear Judge Mullen:

I enclose herewith for your review an Order from the Court of Appeals in connection with the above referenced matter. As you can see, they have dismissed the Appeal without prejudice so that the Circuit Court can consider the Appellant's Motion for Reconsideration, dated July 25, 2013. We would respectfully request a hearing and/or ruling on this matter.

Please do not hesitate to contact me in the event you have other questions or comments concerning the enclosure.

With kindest regards, I am

Yours truly,

HOWELL, GIBSON & HUGHES, P.A.

Mary Bass Lohr  
MBL/ad  
Enclosure  
cc: Mr. Alexander Pastene  
Terry A. Finger

# The South Carolina Court of Appeals

Alexander Pastene, Appellant,

v.

Thomas Trobough, Mr. and Mrs. Norman Ginsburg, W.  
Richard Beetle, Country Club of Hilton Head, Club Corp  
of Dallas, TX and CCHH Tennis Committee Members,  
Respondents.

Appellate Case No. 2013-002167

---

## ORDER

---

Respondent has filed a Motion to Dismiss this appeal as untimely and Appellant has filed a motion a Motion for an Extension. Both motions are denied. Additionally, because the circuit court has yet to act on Appellant's July 25, 2012 Motion for Reconsideration, we dismiss the appeal without prejudice so the circuit court may consider the motion. *See Hudson v. Hudson*, 290 S.C. 215, 349 S.E.2d 341 (1986) (noting an appeal may be dismissed without prejudice when the circuit court has not yet acted on a post-trial motion and "[a]ny party can appeal within ten (10) days after the order disposing of the post-trial motions").

  
FOR THE COURT

Columbia, South Carolina

cc:

**FILED**  
11/27/13



# The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS  
CLERK

V. CLAIRE ALLEN  
DEPUTY CLERK

POST OFFICE BOX 11629  
COLUMBIA, SOUTH CAROLINA 29211  
1015 SUMTER STREET  
COLUMBIA, SOUTH CAROLINA 29201  
TELEPHONE: (803) 734-1890  
FAX: (803) 734-1839  
www.sccourts.org

November 15, 2013

Alexander Pastene  
Post Office Box 22298  
Hilton Head Island SC 29925

Re: Alexander Pastene v. Thomas Trobough  
Appellate Case No. 2013-002167

Dear Counsel:

Upon reviewing your motion to extend time to respond to respondents' motion to dismiss, the following deficiency or deficiencies have been noted under the South Carolina Appellate Court Rules (SCACR), and any deficiency must be corrected within ten (10) days of the date of this letter:

- The required filing fee was submitted. However, we were unable to process the money order because it was not completely filled out by the purchaser. Please fill in your name and address and re-submit.

Very truly yours,

**RECEIVED**

JAN 10 2014

SC Court of Appeals

CC:

UNITED STATES POSTAL SERVICE		POSTAL MONEY ORDER	
Serial Number	Date (Year, Month, Day)	Post Office	U.S. Dollars and Cents
21338651215	2013-11-12	299281	\$25.00
			TWENTY FIVE DOLLARS & 00¢ *****
Pay to	S. C. Court of Appeals		Clerk
Address	PO Box 11629 Columbia, SC 29211		0009
Memo	Motion to extend time to respond to respondents' motion to dismiss		