

THE STATE OF SOUTH CAROLINA
In The SC Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Carmen T. Mullen, Circuit Court Judge

S.C. Court of Appeals Case No: 2014-000148

ALEXANDER PASTENE,

Appellant,

v.

THOMAS TROBOUGH, MR & MRS
NORMAN GINSBURG, W. RICHARD
BEETLE, COUNTRY CLUB OF HILTON
HEAD, CLUBCORP OF DALLAS, TX.,
CCHH TENNIS COMMITTEE MEMBERS

Respondents.

APPELLANT'S RESPONSE TO RESPONDENTS' THOMAS TROBOUGH
AND NORMAN GINSBURG DATED APRIL 15, 2014

COMES NOW, the Appellant, Alexander Pastene, and responds to Respondents' Motion to Dismiss, dated 4-15-14, as follows:

1. The filing of the Initial Brief by the Appellant was effectuated in compliance with this Honorable Court's instructions and notified attorney Finger for Respondents Trobough and Norman and attorney Lohr for the other respondents, see Appellant's Motion to Extend Sixty Days to Submit Appellant's Initial Brief & Motion to Extend Sixty Days to Submit Appellant's Initial Brief and File out of Time. Additionally, the hand-written notation on the Appellant's Certificate of Mailing brought up by attorney Finger: "4-3-14" is the correct day in which the document was mailed out and signed by the Appellant.
2. The Appellant's Initial Brief **does** (bolded for emphasis) comply with Rule 208 SCARC, insomuch that the cases listed on the Appellant's Table of Authorities can be found in his Designation of Matter, see, # 27.
3. The Appellant's Statement of the Case, Complaint, *et seq.*, clearly states that two club members assaulted a club employee for doing his job in accordance to his superior's instructions and Club Rules; that, the two club members took justice in their own hands simply because they had no valid grounds to file a complaint against the; that, the club's

General Manager was intentionally negligent for choosing to ignore “his duty of care” he owed his employee and chose to arbitrarily fire him despite having been exemplar, well liked, punctual and never missed a single day’s work for the duration of the three (3) year employment. In addition, the employee was viciously defamed by respondent Norman Ginsburg’s wife before members of the club’s tennis committee. Also, the corporate officials of the company that owns the club –ClubCorp of Dallas, TX– coached their agent (the club’s General Manager) by telephone in the employee’s presence, which makes the club owner company liable, withal. It would take a fierce determination to ignore two obvious cases of assault and intentional negligence which caused the Appellant damages.

4. As regards the Statement of the Case in the Appellant’s Initial Brief it is a creditable narrative of the events, supported with enough factual evidence to warrant a trial by jury.
5. According to instructions by this Honorable Court, the Appellant had until April 18, 2014, to submit his Designation of Matter.
6. Attorney Finger, once again, brings up an untimely filed Initial Brief to have the case dismissed, as well as the Court Transcript, part of which had been ordered before the attorneys for the respondents managed to have the case falsely “closed” while a paid motion was pending despite the Appellant’s repeated admonitions. As regards this honorable Court’s dismissal, this honorable Court dismissed the attorneys for the respondents’ Motion to Dismiss and remanded the case to the lower court to resolve the pending motion; however, once again an Order by the lower court was issued without hearing the Appellant.

Appellant’s Comment:

Attorney Finger accepted the representation of the respondents seemingly to take revenge against the appellant for having objected to his official appointment as Hilton Head Municipal Court Judge, which makes him prejudiced in the case *sub judice*. Attorney Finger had a conversation in the courtroom with the presiding judge in the absence of the Appellant and then lied in court when he asserted that he had been compelled to come to court expressly for the Appellant’s hearing, which was untrue, for, he had another client before the same judge, on that same day, time and courtroom.

Attorney Finger threatened the Appellant by telling him “you better find yourself a good attorney” after the Appellant mentioned that he was in the process of filing a complaint against him before the Supreme Court Office of Disciplinary Counsel.

Attorney Lohr seems to have lied to the Supreme Court Office of Judicial Conduct by denying having heard attorney Finger threaten the Appellant.

Attorney Mary B. Lohr lied when she told the lower court Master in Equity presiding judge that the case had been closed for a while, which, *inter alia*, caused the judge to rule based on her false statement. Attorney Lohr also misled the lower court when she told the court that this honorable court had dismissed the appellant’s Motion, when in reality it was the respondents’ and their attorneys whose motion to dismiss that was denied, while the Appellant’s Motion became moot.

Ab initio the two attorneys for the respondents vitiated the instant case at bar; acted unfairly; prolonged it for three (3) years; and manipulated to


confuse the appellant and cause him to err to get the case dismissed against their clients.

The Appellant pleads from this Honorable Court that it remands for jury trial, so, that justice can be done between the parties.

Respectfully submitted,

April 25th, 2014th, 2014.

Signed:

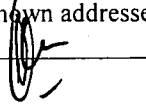

Alexander Pastene
Post Office Box 22298
Hilton Head Is., South Carolina
29925
(843) 605-5266
Appearing *pro se*

Other Counsel of Record:

Mary B Lohr (Attorney for Respondents Richard Beetle, Country Club HH,
ClubCorp, Tennis C.
Post Office Box 40 - Beaufort, South Carolina 29901 - Tel. 843-522-2400

Terry Finger (Attorney for Respondents Thomas Trobaugh and Norman Ginsburg)
P.O. Box 24005, Hilton Head Is., SC 29925 - Tel 843-681-7000

CERTIFICATE OF MAILING:

The Appellant, Alexander Pastene, certifies that on this 26th day of April, 2014, he mailed copies of his response to counsel Mary B. Lohr (for respondents Richard Beetle, CCHH, ClubCorp, CCHH Tennis Committee, et al) and attorney Terry Finger (Counsel for respondents Thomas Trobaugh and Norman Ginsburg), via USPS, to their last known addresses, P.O. Box 40 Beaufort SC and PO Box 24005 HHI, SC. Signed by: Alexander Pastene 

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