

THE STATE OF SOUTH CAROLINA  
South Carolina Court of Appeals

12035

APPEAL FROM BEAUFORT COUNTY  
Court of Common Pleas

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APR 28 2014

Appellate Case No: 2014-000148  
Civil Action No.: 2011-CP-07-04407

SC Court of Appeals

Alexander Pastene.....Appellant,

vs.

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

MOTION TO DISMISS

The Respondents, W. Richard Beetle, Country Club of Hilton Head, Club Corp of Dallas, Texas, Members of the CCHH Tennis Committee, pursuant to Rule 240 of the South Carolina Appellate Court Rules, hereby move for the Appeal to be dismissed on the following grounds:

1. The Initial Brief of the Appellant was not timely served. The Certificate of Mailing indicates it was mailed on March 28, 2014. There is a handwritten notation on the Certificate of Mailing indicating the date of April 3, 2014. A copy of the Certificate of Mailing is attached to this Motion to Dismiss as Exhibit 1. The mailer from the United States Postal Service indicates that the Initial Brief was in fact mailed on April 4, 2014. A copy of the United States Postal Service mailer is attached as Exhibit 2.

2. The Initial Brief does not comply with Rule 208 of the South Carolina Appellate Court Rules. The "Table of Authorities" cites cases that are nowhere to be found in the Initial Brief. The Arguments do not make any attempt to argue the "Statement of Issues on Appeal."

3. The Arguments of the Appellant do not provide any legal argument whatsoever. They are simply statements with no evidentiary or legal arguments.

4. The Statement of the Case does not contain a concise history of the proceedings and is replete with contested matters. The Statement of the Case does not comply with Rule 208(C).

5. The Initial Brief was not timely filed. In a prior submission to the Court of Appeals, Appellant indicated that he received the Transcript on or about November 8, 2013. This Transcript was ordered in a prior Appeal that was dismissed by the Court of Appeals. The instant Notice of Appeal is dated December 20, 2013. Accordingly, the Initial Brief should have been filed and served within thirty (30) days after the Notice of Appeal. The submission of the "Initial Brief" received on April 7, 2014 is not timely.

The Respondents, W. Richard Beetle, Country Club of Hilton Head, Club Corp of Dallas, Texas, Members of the CCHH Tennis Committee, respectfully request that the Court dismiss the Appeal of the Appellant.

HOWELL, GIBSON & HUGHES, P.A.

By: 

Mary Bass Lohr  
Post Office Box 40  
Beaufort, SC 29901  
(843) 522-2400  
Attorney for Respondents

Beaufort, South Carolina

April 24, 2014

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,

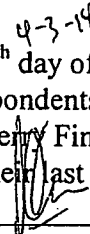
v.

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

Respondents.

CERTIFICATE OF MAILING

The Appellant, Alexander Pastene, certifies that on this 28<sup>th</sup> day of March, 2014, he mailed copies of his Initial Brief to counsel Mary B. Lohr (for respondents Richard Beetle, CCHH, ClubCorp, CCHH Tennis Committee, et al) and attorney Terry Finger (Counsel for respondents Thomas Trobough 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.

EXHIBIT

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FROM:

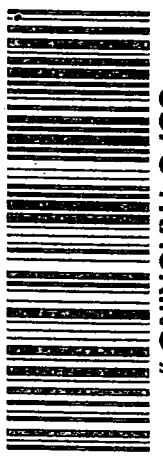
*Patricia  
PO Box 22298  
Detroit, MI 48225*

TO:

*Mr. & Mrs. John  
PO Box 40  
Dearborn, MI  
48125*



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EXHIBIT

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Exhibit

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South Carolina Court of Appeals

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APPEAL FROM BEAUFORT COUNTY  
Court of Common Pleas

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Appellate Case No: 2014-000148  
Civil Action No.: 2011-CP-07-04407

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Alexander Pastene.....Appellant,

vs.

Thomas Trobaugh, Mr. and Mrs. Norman Ginsburg, Unknown Members of the  
CCHH Tennis Committee, W. Richard Beetle, Country Club of Hilton Head, Club  
Corp of Dallas, Texas.....Respondents.

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CERTIFICATE OF SERVICE

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The undersigned counsel hereby certifies that he has served the foregoing  
Motion to Dismiss upon all counsel of record by affixing same with proper  
postage and placing same with the United States Postal Service on 27 day of  
April, 2014 addressed to the following:

Alexander Pastene  
Post Office Box 22298  
Hilton Head Island, SC 29925

Terry A. Finger, Esquire  
Finger & Fraser P.A.  
Post Office Box 24005  
Hilton Head Island, SC 29925-4005

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**SC Court of Appeals**

HOWELL, GIBSON, & HUGHES, P.A.

By: 

\_\_\_\_\_  
Mary Bass Lohr  
Post Office Box 40  
Beaufort, SC 29901  
(843) 522-2400  
Attorney for Respondents

Beaufort, South Carolina

April 24, 2014

HOWELL, GIBSON AND HUGHES, P.A.  
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\* Certified Mediator

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April 24, 2014

Hon. Jenny Abbott Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, SC 29211

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  
Appellate Case No.: 2014-000148  
Our File No: 11017 MBL

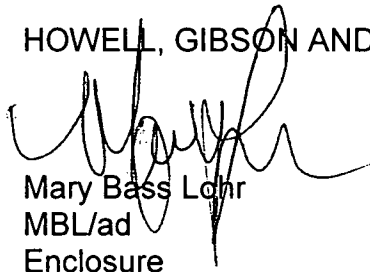
Dear Ms. Kitchings:

Please find enclosed herewith for filing an original and seven (7) copies of a Motion to Dismiss with regard to the above referenced matter. I would appreciate your filing the same and returning a filed clocked copy to me in the enclosed self-addressed, stamped envelope provided for your convenience.

With kindest regards, I am

Yours truly,

HOWELL, GIBSON AND HUGHES, P.A.



Mary Bass Lohr  
MBL/ad  
Enclosure

cc: Mr. Alexander Pastene  
Terry A. Finger

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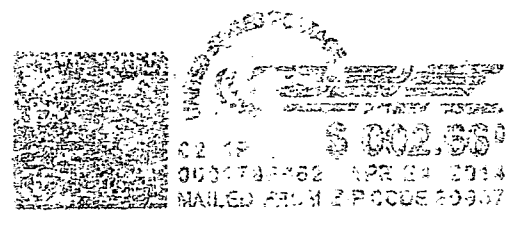
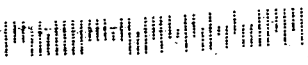
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PHES, P.A.

DLINA 29901

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