

THE STATE OF SOUTH CAROLINA
In The South Carolina Court of Appeals

APPEAL FROM OCONEE COUNTY
Court of Common Pleas

Cordell Maddox, Circuit Court Judge

RECEIVED

APR 24 2017

SC Court of Appeals

Case No. 2017-000294

Alexander Pastene

Appellant,

v.

Marion R. McMillan and Synergy Spine Center, P.A.


Respondents.

APPELLANT'S RESPONSE TO S.C. COURT OF APPEALS DEPUTY CLERK,
V. CLAIRE ALLEN'S A CORRESPONDENCE OF April 13, 2017, TO BE CORRECTED
WITHIN TEN (10) DAYS OF THE DATE OF THE LETTER:

Comes now, the Appellant, Alexander Pastene, and timely submits corrections according to Court of Appeals letter dated April 13, 2017, enclosed herewith as follows:

- Proof of Service corrected to be in compliance to SCACR, Form 7 apps C part II;
- Motion filing fee in the amount of \$25.00, dated April 20, 2017;
- Proof of Service of Appellant's Order of Transcript;
- Copy of email exchange with Court Recorder Vivian Cross

Respectfully submitted,


Alexander Pastene, Esq.
Appearing *pro se*
P.O. Box 22298
HiltonHead Is., SC, 29925
843-605-5266
alexanderpastene@yahoo.com

THE STATE OF SOUTH CAROLINA
In The South Carolina Court of Appeals

APPEAL FROM OCONEE COUNTY
Court of Common Pleas
Trial Court Case No. 2012CP3700902
Cordell Maddox, Circuit Court Judge

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Case No. 2017-000294

Alexander Pastene

Appellant,

v.

Marion R. McMillan and Synergy Spine Center, P.A.

Respondents.


APPELLANT'S RESPONSE TO S.C. COURT OF APPEALS
CORRESPONDENCE OF FEBRUARY 28, 2017

Appellant did timely order and pay for the Transcript of December 12, 2016, from Court Recorder Ms. Vivian Cross.

As of today's date, Appellant did not receive Transcript of 12/12/2016 from Court Recorder. Thus, no Appellant Initial Brief is due.

According to Appellant's file he did file proof of service as required by SCACR. Appellant copied instant response to attorney David A. Wilson for the Respondent.

Sincerely


Alexander Pastene, Esq.
P.O. Box 22298
HiltonHead Is., SC, 29925
843-605-5266
alexanderpastene@yahoo.com
Appearing *pro se*
March 3, 2017



Alexander Pastene <pastenehalexander@gmail.com>

December 12, 2016 hearing

8 messages

RECEIVED

APR 24 2017

Sat, Jan 28, 2017 at 3:33 PM

SC Court of Appeals

Cross, Vivian <VCross@sccourts.org>
To: Alexander Pastene <pastenehalexander@gmail.com>

Mr. Pastene,

It is my understanding you would like an estimate for ordering the December 12, 2016 hearing in your case before Judge Maddox, heard at the Oconee County Courthouse.

The estimated cost for the production of your December 12, 2016 hearing is \$105.00. Should you request the transcript, please forward a certified check or money order to my PO Box. Upon receipt, your transcript request will be acknowledged and placed in order of receipt for transcription.

Sincerely,
Vivian H Cross, Ct. Rptr.
10th Circuit at Large
PO Box 704
Belton, SC 29627

~~~ CONFIDENTIALITY NOTICE ~~~ This message is intended only for the addressee and may contain information that is confidential. If you are not the intended recipient, do not read, copy, retain, or disseminate this message or any attachment. If you have received this message in error, please contact the sender immediately and delete all copies of the message and any attachments.

**Alexander Pastene** <pastenehalexander@gmail.com>  
To: "Cross, Vivian" <VCross@sccourts.org>

Sat, Jan 28, 2017 at 4:24 PM

Thank you Ms. Cross. Yes, I am interested in the transcript, and I will send this coming week MO as requested. Please estimate delivery time. Thank you, and Sincerely, Alexander Pastene  
[Quoted text hidden]

**Alexander Pastene** <pastenehalexander@gmail.com>  
To: "Cross, Vivian" <VCross@sccourts.org>

Thu, Feb 23, 2017 at 9:50 AM

Ms Cross, I sent you a money order in the amount of \$105 for the Transcript of Dec. 12, 2016, before Judge Maddox ,at Walhalla, SC. Please acknowledge receipt, and tentative delivery time. Thank you. Alexander Pastene.  
[Quoted text hidden]

**Alexander Pastene** <pastenehalexander@gmail.com>  
To: "Cross, Vivian" <VCross@sccourts.org>

Thu, Feb 23, 2017 at 9:54 AM

Ms. Cross, I'm sorry, the Postal Money Order # is 19666226351, and was dated and mailed out to you on February 15, 2017.

[Quoted text hidden]

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**Alexander Pastene** <pastenehalexander@gmail.com>  
To: "Cross, Vivian" <VCross@sccourts.org>

Tue, Feb 28, 2017 at 7:51 AM

Dear Ms Cross,

It came to my attention that attorney Wilson ordered a copy of the same transcript of the December 12, 2016, hearing, before Judge Maddox that I ordered earlier, and made payment in the amount of \$105.00.

I ask if either attorney Wilson will be made to pay another \$105.00 for the same transcript, or he will be required to make payment of only \$52.50, and effectuate reimbursement to me in the amount of \$52.50?

Sincerely, Alexander Pastene

[Quoted text hidden]

---

**Cross, Vivian** <VCross@sccourts.org>  
To: Alexander Pastene <pastenehalexander@gmail.com>

Tue, Feb 28, 2017 at 9:59 AM

Transcripts are prepared pursuant to a rate schedule dictated by our Court Reporter Manual. Original transcripts are prepared at the rate of \$3.25/page. Should a copy be ordered by any party, the copy is billed at \$.75/page. As of this date I do not have a request for a copy of this transcript from Mr. Wilson. I will, however, be going to the PO after work today so if his request is a recent development it may be there. When two people order a transcript in close proximity, the postmark date dictates who gets the original and who gets a copy. I hope this clarification helps.

Vivian Cross

---

From: Alexander Pastene <pastenehalexander@gmail.com>  
Sent: Tuesday, February 28, 2017 7:51 AM  
To: Cross, Vivian  
Subject: Re: December 12, 2016 hearing

Dear Ms Cross,

It came to my attention that attorney Wilson ordered a copy of the same transcript of the December 12, 2016, hearing, before Judge Maddox that I ordered earlier, and made payment in the amount of \$105.00.

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Thank you Ms. Cross. Yes, I am interested in the transcript, and I will send this coming week MO as requested. Please estimate delivery time. Thank you, and Sincerely, Alexander Pastene

[Quoted text hidden]

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**Alexander Pastene** <pastenehalexander@gmail.com>  
To: "Cross, Vivian" <VCross@sccourts.org>

Tue, Apr 18, 2017 at 4:38 PM

Dear Ms. Cross:

I am inquiring about the time of delivery of the December 12, 2016 Transcript. The SC Court Appeals Clerk of Court is involved and needs my advice of receipt for the 30 days to file Initial Brief to start running. Thanking you in advance, I remain, Sincerely, Alexander Pastene.

[Quoted text hidden]

---

**Cross, Vivian** <VCross@sccourts.org>  
To: Alexander Pastene <pastenehalexander@gmail.com>

Wed, Apr 19, 2017 at 12:30 PM

Mr. Pastene,

Based on my receipt date of deposit, my due date is April 25, 2017 for completion. It is my expectation it will be complete by that date and mailed my first opportunity to get to the post office after that. Should an extension be needed, you will be notified by Court Administration.

Vivian H Cross, Ct. Rptr.

---

From: Alexander Pastene <pastenehalexander@gmail.com>  
Sent: Tuesday, April 18, 2017 4:38 PM  
To: Cross, Vivian  
Subject: Re: December 12, 2016 hearing

Dear Ms. Cross:

I am inquiring about the time of delivery of the December 12, 2016 Transcript. The SC Court Appeals Clerk of Court is involved and needs my advice of receipt for the 30 days to file Initial Brief to start running. Thanking you in advance, I remain, Sincerely, Alexander Pastene.

On Tue, Feb 28, 2017 at 9:59 AM, Cross, Vivian <VCross@sccourts.org<mailto:VCross@sccourts.org>> wrote: Transcripts are prepared pursuant to a rate schedule dictated by our Court Reporter Manual. Original transcripts are prepared at the rate of \$3.25/page. Should a copy be ordered by any party, the copy is billed at \$.75/page. As of this date I do not have a request for a copy of this transcript from Mr. Wilson. I will, however, be going to the PO after work today so if his request is a recent development it may be there. When two people order a transcript in close proximity, the postmark date dictates who gets the original and who gets a copy. I hope this clarification helps.

Vivian Cross

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From: Alexander Pastene <pastenehalexander@gmail.com<mailto:pastenehalexander@gmail.com>>  
Sent: Tuesday, February 28, 2017 7:51 AM  
To: Cross, Vivian  
Subject: Re: December 12, 2016 hearing

Dear Ms Cross,

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THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM OCONEE COUNTY  
Court of Common Pleas

Cordell Maddox, Circuit Court Judge

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Case No. 2017-000294

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**RECEIVED**

APR 24 2017

SC Court of Appeals

Alexander Pastene

Appellant,

v.

Marion R. McMillan and  
Synergy Spine Center, PA

Respondents.

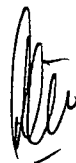
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PROOF OF SERVICE

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I certify that I have served on Court Recorder Vivian Cross, Court Reporter, the Order for the Transcript of Dec., 12, 2016 by email and depositing a copy of it in the United States Mail, postage prepaid, on February 23, 2017, addressed to Vivian Cross, Case # 2012-cp-23-00902, Court Recorder Pastene vs McMillan, et al, at P.O. Box 704, Belton, S.C, 29627, on or about February 23, 2017.

April 19, 2017

  
ALEXANDER PASTENE  
843-605-5266

THE STATE OF SOUTH CAROLINA  
In The South Carolina Court of Appeals

APPEAL FROM OCONEE COUNTY  
Court of Common Pleas

Honorable Cordell Maddox, Circuit Court Judge  
Oconee County - Trial Court Case No. 2012CP3700902

RECEIVED

APR 24 2017

SC Court of Appeals

Case No. 2017-000294

Alexander Pastene

Appellant,

v.

Marion R. McMillan and Synergy Spine Center, P.A.

Respondents.

MOTION IN RESPONSE TO ORDER OF DISMISSAL  
BY SOUTH CAROLINA COURT OF APPEALS  
FILED APRIL 4, 2017, RULES 207 & 262 SCACR

Appellant, Alexander Pastene, did provide proof of having served his request to order the transcripts onto Recorder Vivian Cross, as required by Rule 207 and Rule 262 of the SCACR, and the Court letters dated February 28th, 2017, on February 15, 2017, (see copies of USPS receipt and Postal Money Order #19666226352, dated 2-15-17, enclosed herewith). In addition, he did notify opposing counsel, as required.

As per information by Court Recorder Vivian Cross, copy of the transcript of December 12, 2016, will be mailed out to Plaintiff Pastene on or before April 15, 2017, within the sixty (60) days allowed by statute. As of today's date (4-7-2017) Appellant Pastene has not received the transcripts as yet, although these are still not due until the 15th day of April, 2017. Wherefore he pleads that the Order of Dismissal is vacated.

Respectfully submitted,



Alexander Pastene, Esq.  
P.O. Box 22298  
HiltonHead Is., SC, 29925  
843-605-5266  
[alexanderpastene@yahoo.com](mailto:alexanderpastene@yahoo.com)  
Appearing *pro se*  
April 7th, 2017

cc.

David A. Wilson, Esquire  
WILSON & ENGLEBARDT, LLC  
200 Whitsett Street - Suite 100-B  
Greenville, SC 29601  
864-232-2329  
Email [dwilson@GreenvilleSClaw.com](mailto:dwilson@GreenvilleSClaw.com)

To Alb Wilson