

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

**RECEIVED**

APPEAL FROM OCONEE COUNTY  
COMMON PLEAS

SEP 27 2017

J. CORDELL MADDOX, JR., CIRCUIT COURT JUDGE

SC Court of Appeals

CASE NO.: 2012-CP-37-00902  
APPELLATE CASE NO.: 2017-000294

Alexander Pastene.....Appellant,

v.

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

**RESPONDENTS' RETURN  
TO  
"MOTION TO ORDER TRANSCRIPT OUT OF TIME TO BE INCLUDED IN  
THE INITIAL BRIEF AND DESIGNATION OF MATTER"**

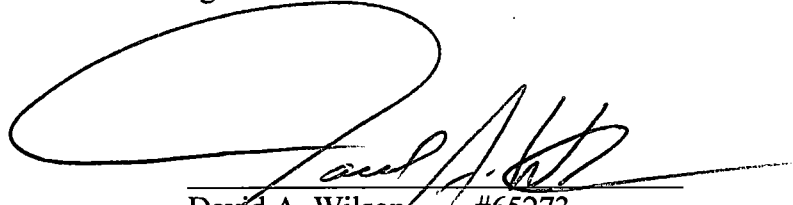
Pursuant to Rule 240(e), SCACR, Respondents Marion R. McMillan and Synergy Spine Center, P.A. object to Appellant's Motion To Order Transcript Out Of Time To Be Included In The Initial Brief And Designation Of Matter.

To date, the Appellant has shown a consistent disregard for the appellate court rules. The Appellant's Notice of Appeal was filed in February of 2017 and he is just now asking for one of the transcripts to be ordered. The Appellant has already filed his Initial Brief and Designation of Matter to be included in the Record on Appeal.

If the court grants the Appellant's motion, Respondents request a scheduling order establishing new deadlines for preparation of the initial briefs of both parties as

well as the Designation of Matter to be Included in the Record on Appeal.

Based upon the repeated failures of the Appellant to comply with the South Carolina Appellate Court Rules, the Respondents Marion R. McMillan and Synergy Spine Center, P.A. object to Plaintiff's Motion To Order Transcript Out Of Time To Be Included In The Initial Brief And Designation Of Matter.

A handwritten signature in black ink, appearing to read "David A. Wilson", is written over a horizontal line. The signature is stylized and includes a large, looping flourish at the beginning.

David A. Wilson #65273  
Wilson & Englehardt, LLC  
200 Whitsett Street, Suite 100B  
Greenville, South Carolina 29601  
(864) 232-2329  
ATTORNEY FOR RESPONDENTS

Greenville, South Carolina  
September 25, 2017

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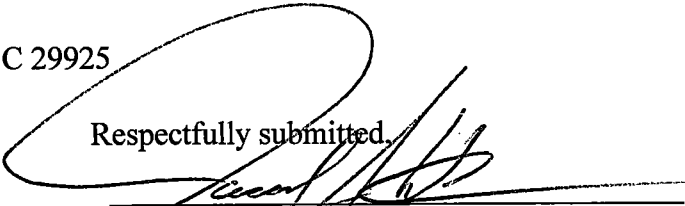
Marion R. McMillan and Synergy Spine Center, P.A.....Respondents.

**PROOF OF SERVICE**

I certify that I have served the Respondents' Return to "Motion To Order Transcript Out Of Time To Be Included In The Initial Brief And Designation Of Matter" on Appellant by depositing a copy in the United States Mail, Postage prepaid, on September 25, 2017 addressed as follows:

Alexander Pastene  
P.O. Box 22298  
Hilton Head Island, SC 29925

Respectfully submitted,



David A. Wilson  
Wilson & Englehardt, LLC  
200 Whitsett Street, Suite 100B  
Greenville, South Carolina 29601  
(864) 232-2329

September 25, 2017

ATTORNEY FOR RESPONDENTS

# WILSON & ENGLEBARDT, LLC\*

Litigation • Appeals • Dispute Resolution

David A. Wilson  
Eric K. Englebardt

dwilson@GreenvilleSClaw.com  
eric@GreenvilleSClaw.com

September 25, 2017

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SEP 27 2017

SC Court of Appeals

Jenny Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

**RE: Alexander Pastene, Appellant v. Marion R. McMillan and Synergy  
Spine Center, P.A., Respondents  
Case No.: 2012-CP-23-00902  
Appellate Case No.: 2017-000294**

Dear Ms. Kitchings:

Enclosed please find the original and seven copies of Respondents' Return to "Motion To Order Transcript Out Of Time To Be Included In The Initial Brief And Designation Of Matter" along with Proof of Service upon Appellant Alexander Pastene.

Please return a filed copy to me in the enclosed self-addressed stamped envelope.

Respectfully,

  
David A. Wilson

DAW/ccb  
Enclosure

cc: Dr. Marion McMillan  
Alexander Pastene

Wilson & Englehardt, LLC  
200 Whitsett Street, Suite 100B  
Greenville, SC 29601

COLUMBIA-SC-292

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SC Court of Appeals



Jenny Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
P.O. Box 11629  
Columbia SC 29211-1629