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THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM OCONEE COUNTY  
Court of Common Pleas

Cordell Maddox, Circuit Court Judge

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OCT 09 2017

SC Court of Appeals

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Common Pleas Case No. 2012-CP-37-00902  
Appellate Court Case No. 2017-000294

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Alexander Pastene

Appellant,

v.


Marion R. McMillan, & Synergy Spine Center, PA

Respondent.

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APPELLANT'S RESPONSE TO RESPONDENT'S MOTION OPPOSING  
APPELLANT'S MOTION TO ORDER TRANSCRIPT OF 20013 OUT OF TIME, ANS BE  
INCLUDED IN HIS INITIAL BRIEF & DESIGNATION OF MATTER

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\_\_\_\_\_  
ALEXANDER PASTENE, Esq.  
Appellant, appearing *pro se*  
Post Office Box 22298  
Hilton Head Island, S.C. 29925  
Tel 843-605-5266  
Email: [pastenehalexander@gmail.com](mailto:pastenehalexander@gmail.com)  
Date: October 4th, 2017

Other Counsel of Record:  
David A. Wilson, Esq.  
WILSON & ENGLEBARDT, LLC  
200 Whitsett Street-Suite 100-B  
Greenville, S.C., 29601  
Tel. 864 232-2329  
Email: [dwilson@GreenvilleSCLaw.com](mailto:dwilson@GreenvilleSCLaw.com)

Above all, the Appellant opposes to the Respondent's Motion to deny him his Motion to Order Transcript out of time, and pleads with this Honorable Court that, it grants him the Motion to Order the 2013 Transcript out of time.

- The 2013 Transcript is one of four (4) Transcripts corresponding to four (4) hearings before Common Pleas Judge Cordell Maddox.
- Consistent with their *modus operandi*, the Respondent and his attorney are attempting to suppress evidence, and once again, attempting to multiply their case through procedure grounded on false and inexistent evidence (please note that the only evidence they presented to the court was false affidavits and a deposition riddled with lies and inaccuracies in the absence of the Appellant.
- The instant case never went into discovery in Common Pleas, but certainly did at Magistrate Court, where the Magistrate denied the Respondent's Motion to Dismiss, and was ready to schedule a day for the trial to take place, when the Respondent changed attorneys and removed the case from Magistrate to Common Pleas against the Appellant's will.
- Any attorney who graduated from the University of South Carolina, and passed the South Carolina Bar Exam knows better than lying or misleading in a court of law in South Carolina. Moreover, it is assumed that Attorney David A. Wilson should know Rule 407 SCACR very well, so, his violations should be inferred to be intentional.
- By needless multiplying the proceedings and pursuing false claims without ever having argued the merits of the case at bar, it became clear that the Respondent's Counterclaim & Defamation actions had no basis in law or fact —no evidence to support their actions for defamation were ever presented in this case; none. This made the case costly, and time consuming.
- There were no losses or damages to the Respondent, whatsoever, quite on the contrary, the Respondent stated that he actually made a profit at Sun City [through the Plaintiff's efforts] and no defamation or loss of business was ever proved to have existed.

Wherefore, the Appellant, Alexander Pastene, hereby opposes to Respondent's Return to Appellant's Motion To Order Transcript Out of Time To be included in the Initial Brief & Designation of Matter, and pleads with this Honorable Court that it grants the Appellant his Motion, so, that it can better evaluate the case *sub judice*, and justice can be done between the parties.

Respectfully submitted,

Signed: \_\_\_\_\_



Alexander Pastene, Esq.  
Appellant Appearing *pro se*  
P.O. Bix 22298  
Hilton Head Is., SC 29925  
843-605-5266

David A. Wilson, Esq.  
For Respondent  
WILSON & ENGLEBARDT, LLC  
200 Whitsett Street - Suite 100-B  
Greenville, SC 29601  
864-232-2329

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

Case No. 2017-000294

Alexander Pastene

Appellant,

v.

Marion R. McMillan and  
Synergy Spine Center, PA

Respondents.

PROOF OF SERVICE

I certify that on today's date October 4th, 2017, I have served the Appellant's Answer to Respondents Return of September 25th, 2017, on Marion R. McMillan by depositing a copy of it in the United States Mail, postage prepaid, on October 4th, 2017, addressed to his attorney of record, David A. Wilson, 200 Whitsett St. Suite 100-B, Greenville, SC 29601

Signed: \_\_\_\_\_

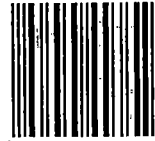
Alexander Pastene, Esq.  
Appellant Appearing *pro se*  
P.O. Bix 22298  
Hilton Head Is., SC 29925  
843-605-5266

David A. Wilson, Esq.  
For Respondent  
WILSON & ENGLEBARDT, LLC  
200 Whitsett Street - Suite 100-B  
Greenville, SC 29601  
864-232-2329

*Master*  
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*Hilton Head Is.*  
*SC 29925*



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