

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM OCONEE COUNTY  
Court of Common Pleas

Cordell Maddox, Circuit Court Judge

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

**RECEIVED**  
DEC 27 2017  
SC Court of Appeals

Alexander Pastene

Appellant,

v.

Marion R. McMillan, & Synergy Spine Center, PA

Respondent.

\_\_\_\_\_  
**APPELLANT'S OPPOSITION TO  
RESPONDENTS' MOTION FOR EXTENSION OF TIME  
TO PREPARE INITIAL BRIEF & DESIGNATION OF MATTER**  
\_\_\_\_\_

Comes Now, the Appellant, Alexander Pastene, and opposes to Respondent's Motion For a thirty (30) day Extension of Time in which to Prepare the Initial Brief and Designation of Matter, and pleads with this Honorable Court that it denies the Respondents' Motion, remands the instant case, and orders a trial on the merits.

- The Respondent Marion MacMillan and his attorney David Wilson have consistently taken justice, these courts, and the Appellant for granted, by postponing payment of a debt since 2012, ie. five (5) years, to date by posing one delay after another...and succeeding. What is the natter with us? They even opposed to an official Transcript, which may have been an attempt to suppress evidence and result into a dismissal.


- Consistent with their *modus operandi*, the Respondent and his attorney are once again attempting to prolong and multiply their case through procedural delays.
- The instant case never went into discovery in Common Pleas, but certainly went through it at Magistrate Court, where the Magistrate denied the Respondent's Motion to Dismiss, and was ready to schedule a day for a trial to take place, however, the Respondent changed attorneys, removed the case against the Appellant's will from Magistrate to Common Pleas, never argued the case on its merits (collection of a debt), and proceeded, as is doing at present, to pose one procedural delay after another, to prolong payment of his debt forever.
- As once stated by the Appellant, any attorney who graduated from the University of South Carolina, and passed the South Carolina Bar Exam knows better than messing with the South Carolina Courts. 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.
- Moreover, by needless extending the proceedings and pursuing false claims without ever having argued the merits of the case at bar, it becomes clear that the Respondent's Counterclaim & Defamation actions had no basis in law or fact —no evidence was forwarded in support of their actions for defamation, which is once again making the instant case costly, and insanely time consuming, especially, since there were no losses or damages to the Respondent but quite on the contrary, he stated before Judge Maddox that he actually made a profit at Sun City [through the Plaintiff's efforts] and no defamation or loss of business were ever proven to have existed.
- The Respondents had all the time in the world to file their initial Brief and Designation of Matter, especially, insomuch that the Appellant was compelled to file

and Amended version, so, right then and there Respondent had more than enough time to file, but didn't do it, and he Appellant proposes that was done intentionally.

Wherefore, the Appellant, Alexander Pastene, hereby opposes to Respondent's Motion for extension of time, once and for all remands the instant case for trial on the merits so that justice can be done between the parties.

Respectfully submitted,

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

  
Alexander Pastene, Esq.  
Appellant Appearing *pro se*  
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843-605-5266

David A. Wilson, Esq.  
For Respondent  
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In The Court of Appeals

APPEAL FROM OCONEE COUNTY  
Court of Common Pleas

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 December 21st, 2017, I have served the Appellant's Opposition to Respondents' Motion for Extension of Time, on Marion R. McMillan by depositing a copy of it in the United States Mail, postage prepaid, on October 4thth, 2017, addressed to his attorney of record, David A. Wilson, 200 Whitsett St. Suite 100-B, Greenville, SC 29601

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



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December 21st, 2017

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Alexander Pastene  
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Honorable  
Jenny Abbott Kitchings  
Clerk of Court  
THE SOUTH CAROLINA COURT OF APPEALS  
Post Office Box 11629  
Columbia, South Carolina, 29211

12/21/17

Re: Alexander Pastene v Marion McMillan  
Appellate Case No 2017 000294

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Dear Ms. Abbott Kitchings:

I am enclosing herewith my Answer in Opposition to granting the Respondents their Motion For An Extension of time to file their Initial Brief and Designation of Matter.

The Respondent and his attorney had all the time in the world to respond, insomuch that the Appellant filed an Amendment to his Initial Brief & Designation of Matter due to a missing Transcript, so, the Respondents' actions are visibly intentional: to delay forever to avoid paying his debt.

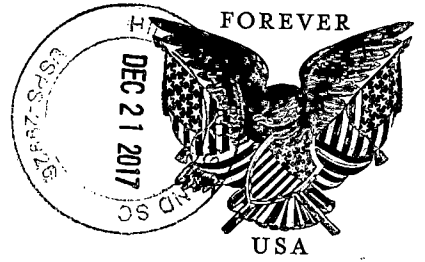
It is evident that the Respondent and his attorney, have been intentionally delaying a simple case of debt collection **for the last five (5) years** (bolded for emphasis) while never argued the case on the merits.

I believe that, it is within the authority of this Honorable South Carolina Court of Appeals to deny the Respondent's Motion, remand the case to Common Pleas, and order that a trial on the merits of this case is conducted before a jury, as soon as possible.

Respectfully submitted,



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DEC 27 2017

SC Court of Appeals

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Tanya Abbott Kitching, Clerk  
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