

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

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FEB 16 2018
SC Court of Appeals

Alexander Pastene,

Appellant,

v.

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

Respondents.

APPELLANT ANSWER TO RESPONDENT'S
MOTION TO STRIKE PORTIONS
OF THE RECORD OF 02/12/18



Signed: ALEXANDER PASTENE, *Esq.*
Appellant, appearing *pro se*
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David A. Wilson, *Esq.*, For Respondent
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Comes now, the Appellant, Alexander Pastene, and responds to Respondent's "Motion to Strike Portions of the Record" dated February 6th, 2018, based on Rule 209 SCRPC, which Appellant received via the USPS on yesterday's date on February 13th, 2018; and objects, while pleads with this Honorable Court that it denies the Respondent's Motion to Strike, grounded on

the fact that in the instant case there has **never been** (bolded for emphasis) either Discovery or Interrogatories in the lower court, for, arguments on the merits never took place precisely due to the actions of the Respondent. See Transcript of 09/16/15, p. 18, lines 18 through 25. Please note that the Respondent has been delaying, not paying his debt, and avoided arguing the merits of the case at bar, while it was the Respondent who removed the case from Magistrate to Common Pleas based on a false Counterclaim for Defamation, which was never supported with any evidence whatsoever, see Transcript 09/16/15, p. 12 thru 17. In addition, the unsupported Motion for Default was certified by a Notarized Affidavit, which falsely stated that the Appellant had neither filed nor timely served his Answer to Respondent's Answer and Counterclaim for about the last about five (5) years, and still persists in misusing procedural tactics to delay and avoid paying his debt owed the Appellant! It now appears that Respondent is attempting to pursue his quest to suppress evidence and have the case dismissed even before discovery or interrogatories take place. The Appellant wishes to exercise his right to include parts or all the evidence in his Designation of Matter, and ROA, in accordance to the Rule 209 of the South Carolina Rules of Civil Procedure (SCACR).

Wherefore, the Appellant argues that, insofar as there hadn't been Discovery/ Interrogatories in the case *sub judice* that, the Respondent's Motion to suppress evidence is moot, and thus, should be denied.

Respectfully submitted,



ALEXANDER PASTENE, Esq,
Appellant, appearing *pro se*
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Date: February 14th, 2018

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1 MR. WILSON: That's fine, Your Honor. And we have
2 each other's email addresses, so...

3 THE COURT: Okay. Okay. I mean, this thing -- it
4 sounds like it sort of world winded out of control.

5 MR. WILSON: I told them, this is not exactly how
6 it normally works. But --

7 THE COURT: No, this ain't normal. But -- but I'm
8 not sure -- the older I get, the more I wonder if there
9 is normal.

10 MR. WILSON: Right.

11 THE COURT: Okay.

12 MR. PASTENE: Your Honor, I just want -- this
13 defamation, I have absolutely ~~no support~~ or ~~anything~~.
14 It's just their word. I have absolutely nothing that
15 they have sent me -- the only thing they did was say
16 we've got to sue him for defamation, and there's ~~no~~
17 ~~basis~~ --

18 THE COURT: ~~Has there been any discovery~~, or you
19 just don't intend to do any?

20 MR. WILSON: I don't think it warrants discovery.
21 Here's my evidence. We're ready to go.

22 THE COURT: Okay. All right. You know, in the
23 meantime, if there is ~~discovery~~, you need to -- you
24 need to get that moving. If there's a ~~deposition~~ you
25 need to take or something, you need to schedule it.

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

Case No. 2017-000294

Alexander Pastene

Appellant,

v.

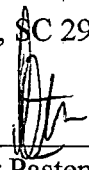
Marion R. McMillan and
Synergy Spine Center, PA

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PROOF OF SERVICE

I certify that on today's date February 14th, 2018, I have served Appellant's copy of his Answer to Respondent's Motion to Strike Portions of the Record of 2/12/18, on Marion R. McMillan by depositing a copy of it in the United States Mail, postage prepaid, addressed to his attorney of record, David A. Wilson, 200 Whitsett St., Suite 100B, Greenville, SC 29601.

Signed: 
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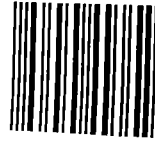
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