

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

Charles R. Machado, Appellant,

v.

Coastal Carolina University, David A. DeCenzo, David
Roper, Pat West, Rodney B. Thomason, Phillip Moore,
Jilleian K. Sessions Stackhouse, Derrick O. Bratcher,
Lamonica Yates, Thomas E. Mezzapelle, Joe Wilson, and
Denise R. Davis, Defendants,

Of whom Coastal Carolina University, David A.
DeCenzo, David Roper, Pat West, Rodney B. Thomason,
Phillip Moore, Jilleian K. Sessions Stackhouse, Derrick
O. Bratcher, Lamonica Yates, Thomas E. Mezzapelle,
and Denise R. Davis are the Respondents.

Appellate Case No. 2011-194006

Appeal From Horry County
Larry B. Hyman, Jr., Circuit Court Judge

Unpublished Opinion No. 2012-UP-642
Submitted November 1, 2012 – Filed December 5, 2012

AFFIRMED

Charles R. Machado, of Conway, pro se.

Henrietta U. Golding and James K. Gilliam, both of
McNair Law Firm, PA, of Myrtle Beach, for
Respondents.

PER CURIAM: Affirmed pursuant to Rule 220(b), SCACR, and the following authorities:

1. As to whether the trial court erred in granting summary judgment: *Hansson v. Scalise Builders of S.C.*, 374 S.C. 352, 358, 650 S.E.2d 68, 71 (2007) ("[W]hen ruling on a summary judgment motion, a [trial] court must determine whether the plaintiff has established a prima facie case as to each element of a claim"); Rule 56(e), SCRCP ("When a motion for summary judgment is made and supported . . . an adverse party may not rest upon the mere allegations or denials of his pleading, but his response, by affidavits or as otherwise provided in this rule, must set forth specific facts showing that there is a genuine issue for trial. If he does not so respond, summary judgment, if appropriate, shall be entered against him.").

2. As to whether the trial court erred in denying Machado's motion to compel discovery: *Degenhart v. Knights of Columbus*, 309 S.C. 114, 118, 420 S.E.2d 495, 497 (1992) (finding summary judgment was not premature when the plaintiff did not seek a continuance or ask the trial court to hold its decision pending the outcome of the plaintiff's motion to compel discovery).

3. As to Machado's remaining arguments: *Wilder Corp. v. Wilke*, 330 S.C. 71, 76, 497 S.E.2d 731, 733 (1998) ("It is axiomatic that an issue cannot be raised for the first time on appeal, but must have been raised to and ruled upon by the trial [court] to be preserved for appellate review.").

AFFIRMED.¹

HUFF, THOMAS, and GEATHERS, JJ., concur.

¹ We decide this case without oral argument pursuant to Rule 215, SCACR.