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**Jul 31 2024**

**SC Court of Appeals**

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

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**APPEAL FROM YORK COUNTY**

**Cour of Common Pleas**

**Honorable Daniel Dewitt Hall**

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**Case No: 2021-CP-46-02684**

**Appellate Case No: 2023-001987**

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**MALIA SANTIAGO,**

**Appellant**

**vs.**

**ASHLEY HOGGARD,**

**Respondent**

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**DESIGNATION OF MATTER TO BE  
INCLUDED IN THE RECORD ON APPEAL**

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**Appellant proposes the following be included in the Record on Appeal:**

- 1. Transcript of Proceedings/September 21, 2023, pp. 7-8, 11-12**
- 2. Transcript of Proceedings/November 16, 2023, pp. 2-3**

**I certify that this designation contains no matter which is irrelevant to this appeal.**

**July 31, 2024**

**/s/ Jerry A. Meehan, Jr.**

**Jerry A. Meehan, Jr., SC Bar #102077**

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**Attorneys for Appellant**

1 STATE OF SOUTH CAROLINA ) IN THE SOUTH CAROLINA CIRCUIT COURT 16  
2 COUNTY OF YORK ) COURT C.A NO..2021-CP-46-02684

3  
4 Malia Santiago, )  
5 Plaintiff, )  
6 Versus )  
7 Ashley Hoggard, )  
8 Defendant. )

9  
10 H E A R I N G

11  
12 DATE: September 21, 2023

13  
14 LOCATION: South Carolina Circuit Court 16

15  
16 JUDGE: Daniel D. Hall

17  
18 TRANSCRIBED BY: ERIN REILLY

19  
20 LEGAL EAGLE  
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1 are undoubtedly considered exercising reasonable care to avoid  
2 the accident. Based on that, we -- just to give a fuller  
3 picture, Judge, which is why I submitted the discovery  
4 responses, we specifically asked what evidence Ms. Santiago had  
5 that would establish that my client failed to keep her vehicle  
6 under control or that she failed to keep proper lookout as what  
7 was alleged in the complaint.

8         And essentially the responses that we got were simply the  
9 accident wouldn't have happened but for her failing to keep a  
10 proper lookout. And as the Court is well aware, the law in the  
11 state is just because an accident happened, that in and of  
12 itself is not evidence of negligence. And unfortunately, the  
13 only thing that Ms. Santiago has presented in this case is the  
14 occurrence of an accident without anything more. She has not  
15 presented any actionable negligence against the Defendants and  
16 therefore we believe that summary judgment is appropriate in  
17 this case and would ask the Court to grant our pending motion.  
18 Thank you.

19                 THE COURT: All right, thank you. Mr. Meehan, I'll  
20 be glad to hear from you.

21                 MR. MEEHAN: Yes, sir, Your Honor. So, we're  
22 preparing for trial last week and in our preparation for trial,  
23 we became aware of a new witness, specifically the uncle of  
24 Malia Santiago, his name's Buster Patterson. He's actually in  
25 town or moved here temporarily to take care of the

1 | grandparents. And as soon as we discovered him, I supplemented  
2 | discovery and Mr. LaFave went to take his deposition last  
3 | Friday. I wasn't available, my plan was to take his deposition  
4 | before trial on Monday potentially but yesterday I noticed his  
5 | deposition for October -- let's see, October 6th, before trial,  
6 | Mr. LaFave said it was unavailable -- he was unavailable that  
7 | date. He was at his -- had to go to a cross country meet for  
8 | his son which I understand.

9 |         So, I emailed him this morning so he could work on a date,  
10 | so discovery is not complete. And as the -- you know, the law  
11 | says, summary judgment is a drastic measure until both parties  
12 | had a full opportunity to conduct discovery. We didn't worry  
13 | about this witness until I was literally having a conversation  
14 | with Malia's mom and she said, you know, my brother was there  
15 | and you know, Ms. Hoggard told him this. Which is -- if it's  
16 | true is different than her testimony that she gave me. So,  
17 | it's could be a potentially a very good witness for us, Your  
18 | Honor. So, that's -- we think it's improper for summary  
19 | judgment at this time, respectfully.

20 |                 THE COURT: All right. Any response, Mr. LaFave?

21 |                 MR. LAFAVE: Yeah, Judge and I appreciate it and I'm  
22 | going to try and be as succinct as possible about this. And  
23 | I'll note for the record that this is in fact the second time  
24 | that this motion has come before the Court. And this is in  
25 | fact the second time that Mr. Mehan has used the same rationale

1           THE COURT: All right, thank you. Mr. Meehan, I'll  
2 give you an opportunity to respond.

3           MR. MEEHAN: Yes sir, Judge. You know, it's not  
4 disingenuous. No, I literally -- my client suffered a -- you  
5 know, a very bad traumatic brain injury and she had short-term  
6 memory loss. So, a lot of what I get comes from her mother  
7 and, you know, she had knocked out teeth and very bad injuries.  
8 And so, you know, in prepping for trial I was having a casual  
9 conversation with her mother and she says, well, Buster's  
10 talked to Ashley and she said this. And I said, well -- I need  
11 to talk to Buster then.

12           I mean, you know, Judge, it's a -- he's a very  
13 integral witness and yeah, it might have been two years but as  
14 you know, we have 150 cases a piece. So, you know, in the way  
15 that the docket works in our courts we don't have time to  
16 spend a month prepping for trial.

17           So, in my preparation for trial, yes, I did discover  
18 he was a witness and I immediately supplement discovery and I'm  
19 trying to schedule depositions. So, I don't understand, Mr.  
20 LaFave is trying to say this disingenuous when he was telling  
21 me that these dates don't work for him for deposition. I was -  
22 - the uncle too, so I don't understand why we're before the  
23 Court here. I mean, I think that after we take the deposition,  
24 if he doesn't have any good evidence and I think it's time for  
25 summary judgment. Yeah, I think that then it would be proper

1 | then but until then I think it's -- you know, I think that we  
2 | have a right to take a deposition and put it on the record.

3 |           THE COURT: All right, thank you. All right. I'll  
4 | look to the file what's -- the documents have been filed; the  
5 | arguments been made. I'll rule by -- I'll issue my ruling by  
6 | the end of the day tomorrow. Thank y'all.

7 |           [END OF HEARING]

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STATE OF SOUTH CAROLINA.

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MATIA SANTIAGO,

Plaintiff,

Case No.

-against-

2021-CP-46-02713

ASHLEY HOGGARD,

Defendant.

-----x

November 16, 2024

York, S.C.

B E F O R E:

HONORABLE DANIEL DEWITT HALL

A P P E A R A N C E S:

JERRY ANDREW MEEHAN JR.

Attorney for the Plaintiff

MATTHEW CLARK LAFAVE

Attorney for the Defendant

Aileen Butler

Official Court Reporter

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THE COURT: The the next matter is Santiago vs Hoggard. Is anyone here for Santiago versus Hoggard.

MR. MEEHAN: Good morning, Your Honor.

THE COURT: And you are? /SKWRER me /HAPB.

MR. MEEHAN: Jerry Meehan for Maila Santiago.

MR. LAFAVE: Matthew LaFave for Ashley Hoggard.

THE COURT: This is 2021-CP-46-02684, Maria Santiag versus Ashley Hoggard. Representing the plaintiff is Jerry Meehan. Representing the defendant is Matthew LaFave.

This appears to be a motion to reconsider filed by the plaintiff. So Mr. Meehan, I'll be glad to hear from you.

MR. MEEHAN: Good morning, Your Honor. May it please the Court. We previously had a motion for summary judgement in this case, September 21, 2023. We were set to go to trial right about then. As we were preparing for trial the week before upon speaking with the plaintiff's mother she identified to me that her brother was a witness to the case and that he had some information which was basically opposite of what the defendant testified to. We supplemented

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discovery to the defendant on September 14, 2023 and on the 15th defense counsel noticed this witness's disposition. That didn't work for everyone because it was the next day, and then we were going back and forth trying to schedule when was a good time to get this witness deposed and then we had the summary judgement motion heard. So we weren't able to depose this witness prior to the hearing and I think that based upon the the posture of the case and the importance of this witness that we needed to be able to take his disposition testimony. I think that at that time it was improper for summary judgement respectfully because we weren't allowed to take his testimony.

What I mentioned to the Court that day was that if we were allowed to take his testimony and it didn't bear any fruit then it would be a proper time for summary judgement. So all we would like to do is respectfully ask you to reconsider your ruling based upon what we filed and testimony we presented in order to reopen the case and allow us to take this witness's testimony.

THE COURT: All right. Thank you. Mr.