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Mar 05 2025

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM SPARTANBURG COUNTY

Court of Commons Pleas

J. Derham Cole, Circuit Court Judge

Appellate Case No. 2024-001239
Case No. 2020-CP-42-00055

Lad Santiago,

Appellant,

v.

Oscar Avila Hernandez, *et. al.*

Respondents.

**RETURN TO APPELLANT'S MOTION FOR EXTENSION
AND MOTION TO AMEND DESIGNATION OF MATTER**

Lad Santiago
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Stephen N. Garcia
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Appellant


Attorney for Respondents

COMES NOW Respondents, by and through undersigned counsel, and file this, their Return to Appellant's Motion for Extension to File Record on Appeal and Motion to Amend the Designation of Matter dated February 27, 2025 and March 5, 2025 (put plainly, this Return intends to respond to *all* the filings to which the Appellant has flooded the record) and state:

1. Again, in so much as the Appellant's Notice of his intention to amend the Designation of Matter and/or his Motion for Leave to Amend is a proper filing and accepted by the Court, **the Respondents do not consent to *any* amendment of the Designation of Matter.**
2. Appellant has made no effort to contact or discuss amendment of the Designation of Matter with the undersigned—in writing or otherwise.
3. Appellant's Notice of his intention to Amend the Designation of Matter does not state, with any specificity, how or why he intends to amend the Designation of Matter.
4. The parties have already submitted their initial briefs and reply brief.
5. It is the Respondents' position that the time for filing the Designation of Matter has passed pursuant to Rule 209, SCACR, and the Designation of Matter (and/or Record) cannot be amended without consent of all parties and/or without a showing of good cause as to why amendment is necessary pursuant to Rule 212 (b), SCACR..
6. Having failed to show *any cause* for why he should be granted leave to amend, and having failed to *even attempt* to secure consent from the Respondents, the Appellant's Motion for leave to Amend the Designation of Matter (and/or the Record) must be denied.

WHEREFORE, Respondents pray for an order from this Honorable Court denying the Appellant's Motion for Leave to Amend the Designation of Matter (and/or Record), and for any further relief the Court deems just and proper.

Respectfully submitted,

A handwritten signature in black ink, consisting of stylized initials 'S' and 'G'.

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Attorney for Respondents

March 5, 2025

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PROOF OF SERVICE

I certify that I have served the **Return to Appellant's Motion for Extension and Motion to Amend Designation of Matter** on Lad Santiago by depositing a copy of it in the United States Mail, postage prepaid, on **March 5, 2025** addressing to Lad Santiago, 5041 North Blackstock Road, Spartanburg, SC 29303 as well as by email to drladsantiago@gmail.com.



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Attorney for Respondent

Date: March 5, 2025