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Apr 15 2025

SC Court of Appeals

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM SPARTANBURG COUNTY

Court of Common Pleas

J. Derham Cole, Circuit Court Judge

Case No. 2020-CP-42-00055

Appellate Case No. 2024-001239

Dr. Lad Santiago,

Appellant.

v.

Stephen N. Garcia, as Attorney for

Oscar Avila Hernandez, et.al.,

Respondents.

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

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Pro Se for Appellant

Attorney for Respondents

**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. Summons and Complaint filed January 8, 2020 and all Exhibits:
 - a. Informed Consents
 - b. Assignment of Benefits
 - c. Invoices
 - d. Certified Letter – April 10, 2019
 - e. Certified Letter – May 9, 2019 and all component parts
2. Defendants' 12(b)(6) Motion to Dismiss of February 26, 2020
3. First Amended Verified Complaint of March 9, 2020
4. Plaintiff's Motion to Disqualify Opposing Counsel and Exhibits of March 9, 2020
5. Plaintiff's Response in Oppos. To Stephen N. Garcia's Motion to Dismiss of March 9, 2020
6. Defendants' Memorandum of Law in Support of Defendants' 12(b)(6) Motion to Dismiss of May 6, 2020
7. Affidavits of Dr. Lad Santiago and Dr. Elizabeth Hughston Santiago of May 29, 2020, and May 22, 2023

8. Plaintiff's Response in Opposition to Stephen N. Garcia's Amended Motion to Dismiss of May 29, 2020
9. Court Hearing transcript of Judge DeBerry of May 22, 2022
10. Court Order from Judge DeBerry of October 4 2022
11. Plaintiff's Response in Opposition to Defendants' Renewed 12(b)(6) Motion to Dismiss filed May 22, 2023
12. Court Hearing transcript before Judge Grace Gilchrist Knie of June 2, 2023
13. Court Order from Judge Grace Gilchrist Knie of June 15, 2023
14. Court Hearing transcript before Judge Mark Hayes of July 19, 2023
15. Court Order from Judge Mark Hayes of July 22, 2023
16. Emails: Defendants' attorney
17. Emails: Clerk of Judge Cole
18. Objection to Granting Defendants' 12(b)(6) Motion to Dismiss of Sept 19, 2023
19. Letter to Judge J. Derham Cole of September 25, 2023
20. Order of November 20, 2023
21. Plaintiff's Motion for New Trial of November 30, 2023
22. Plaintiff's Response to Defendants Memorandum In Opposition to New Trial of Dec 15, 2023
23. Nunc Pro Tunc for Plaintiff's Response to Def Mem in Oppos to New Trial of Dec 29, 2023
24. Final Order of July 3, 2024
25. Notice of Appeal filed August 6, 2024

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

April 15th, 2025

/s/ Dr. Lad Santiago
Dr, Lad Santiago
5041 North Blackstock Road
Spartanburg, South Carolina 29303
drladsantiago@gmail.com
Pro Se for Appellant

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 15th day of April, 2025, he served counsel for the Respondents with a copy of the Appellant's Designation of Matter to be Included in the Record on Appeal Nunc Pro Tunc in this matter by mailing a copy of the same by the United States Mail with postage prepaid to the following address:

Stephen N. Garcia, Esquire
604 Pettigru Street
Greenville, South Carolina 29601

/s/ Dr. Lad Santiago

Dr. Lad Santiago
5041 N. Blackstock Rd.
Spartanburg, SC 29303

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SC Court of Appeals

Dr. Lad Santiago
5041 North Blackstock Road
Spartaburg, South Carolina 29303

April 15th, 2025

The Honorable Jenny Abbott Kitchings Clerk,
South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RE: Dr. Lad Santiago, Appellant v. Oscar Avila Hernandez, et.al., Respondents
Appellate Case No. 2024-001239

VIA: e-mail to the Court

Dear Ms. Kitchings:

Attached for filing is a Nunc Pro Tunc filing for the previously filed Designation of Matter to be Included in the Record on Appeal. In keeping with the Court's Order of April 8, 2025, the Appellant herein files his Nunc Pro Tunc Designation of Matter that *demonstrates* the matter being designated. Item #s 8, 9, 10, 12, 13, 14, 15, 18, 19, 25 were inadvertently omitted due to clerical error. These items are in keeping with the Designation of Matter already submitted and do not prejudice the Respondents, but shed necessary light to include and reflect those issues that speak to the truth for justice to prevail in this Honorable Court's deliberations in this case. Please refer to the following references regarding Nunc Pro Tunc:

“The purpose of nunc pro tunc actions is understood as correcting the judicial record to remedy clerical issues, clear errors, or prevent injustice, and in doing so more clearly reflects the original intention of the court. As a result, nunc pro tunc amendments and judgments are treated as if they were made on the dates of the original amendment or judgment.” *See* https://www.law.cornell.edu/wex/nunc_pro_tunc#:~:text=Nunc%20pro%20tunc%20is%20a,the%20original%20amendment%20or%20judgment.

“The power to enter a **nunc pro tunc** order is inherent in courts of justice. This power is necessary in order that the records of a court or other tribunal may be made to speak the truth.” *See Ruby v. Wolf, 39 Ohio App. 144, 177 N.E. 240 (1931)*

“The applicant or petitioner must demonstrate that the delay in filing was caused by exceptional circumstances beyond their control, such as illness or a family emergency, and the length of the delay is reasonable given the circumstances.” *See* <https://www.boundless.com/immigration-resources/nunc-pro-tunc-requests-explained/#:~:text=USCIS%20may%20approve%20a%20nunc,is%20reasonable%20given%20the%20circumstances>.

This Nunc Pro Tunc filing of Appellant's Designation of Matter is directly attributable to Appellant's chronic and ongoing illnesses that have resulted in the clerical error of inadvertently

omitting these additional Designation of Matter items from the initial filings. Accordingly, the Designation of Matter has been updated with this Nunc Pro Tunc filing to properly and correctly reflect and indicate/demonstrate the items that were inadvertently not listed.

Also enclosed is the Certificate of Service of filing this same document on the Respondents' attorney, Stephen N. Garcia.

Please confirm receipt of this filing.

Sincerely,

/s/ Dr. Lad Santiago

Dr, Lad Santiago

5041 North Blackstock Road

Spartaburg, South Carolina 29303

drladsantiago@gmail.com

Pro Se for Appellant

cc: Stephen N. Garcia, Esquire
604 Pettigru Street
Greenville, South Carolina 29601
Attorney for Respondents