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**Apr 24 2025**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM SPARTANBURG COUNTY

Court of Commons Pleas

J. Derham Cole, Circuit Court Judge

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

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Lad Santiago,

Appellant,

v.

Oscar Avila Hernandez, *et. al.*

Respondents.

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**RESPONDENTS' MOTION TO STRIKE  
APPELLANT'S 2<sup>ND</sup> AMENDED DESIGNATION OF MATTER**

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**Appellant**

**Attorney for Respondents**

COMES NOW Respondents, by and through undersigned counsel, and file this, their Motion to Strike Appellant's 2<sup>nd</sup> Amended the Designation of Matter dated April 15, 2025 and state:


1. **Put plainly, the Respondents do not consent to *any* amendment of the Designation of Matter.**
2. On April 8, this Honorable Court denied the Appellant's Motion to Amend the Designation of Matter; it appears that the Appellant has taken that Order and extension of time as an invitation to Amend his Designation of Matter yet again regardless of what the Order instructs.
3. Again, Appellant has made no effort to contact or discuss amendment of the Designation of Matter with the undersigned—in writing or otherwise.
4. Although Appellant's letter dated April 15, 2025 states that the portions proposed to be added by amendment were inadvertently omitted, the letter accompanying the proposed Amended Designation of Matter does not state, with any specificity, the need for adding ***ten (10) additional documents*** to the Record.
5. The Appellant's Initial Brief neither references nor cites any of the additional items he attempts to add to his Designation of Matter by amendment; further, Appellant fails to explain why he intends to add documents which he has not cited in his initial brief or Reply Brief.
6. More importantly, the Appellant takes the position that no prejudice would inure to the Respondents by allowing ***ten (10) additional documents to be added to his Designation of Matter***, however, the Amendment would cause *great* prejudice to the Respondents.
7. The parties have already submitted their initial briefs and reply brief; the time for filing Designations of Matter has long passed.
8. Allowing the Appellant to add ten (10) documents to his Designation of Matter—at a time where the Respondents have already submitted their Initial Brief—would divest the

Respondents of the opportunity and fairness of responding to any documents and/or potential arguments that may be available by the Amended Designation of Matter.

9. Even more so, requiring the Respondents to amend and/or refile their Initial Brief to address these documents that the Appellant now attempts to introduce at the last moment is *highly* prejudicial, and quite frankly, inconsistent with a fair appellate process.
10. 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..
11. Having failed to show *any cause* for why he wishes to amend his Designation of Matter, and further, having failed to *even attempt* to secure consent from the Respondents, and yet even further, considering the highly prejudicial nature of a last-ditch attempt to expand his Designation of Matter and/or the Record *after* Briefs have been filed, the Respondents argue that the Appellant's attempt to Amend his Designation of Matter (and/or the Record) must be denied.

**WHEREFORE**, Respondents pray for an order from this Honorable Court striking the Appellant's 2<sup>nd</sup> Amended Designation of Matter and for any further relief the Court deems just and proper.

Respectfully submitted,



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**Attorney for Respondents**

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**PROOF OF SERVICE**

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I certify that I have served the **Motion to Strike Appellant's 2<sup>nd</sup> Amended Designation of Matter** on Lad Santiago by depositing a copy of it in the United States Mail, postage prepaid, on **April 24, 2025** addressing to Lad Santiago, 5041 North Blackstock Road, Spartanburg, SC 29303 as well as by email to [drladsantiago@gmail.com](mailto:drladsantiago@gmail.com).



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Attorney for Respondent

Date: April 24, 2025



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**Via Email Only**

The Honorable Jenny Abbott Kitchings  
Clerk of Court<sup>[SEP]</sup> South Carolina Court of Appeals  
Email: [ctappfilings@sccourts.org](mailto:ctappfilings@sccourts.org)

**RE: Santiago v. Avila et al**  
**Appellate Case No. 2024-001239**

Dear Ms. Kitchings:

Attached, please find the Respondents' Motion to Strike Appellant's 2<sup>nd</sup> Amended Designation of Matter. The \$50.00 filing fee will arrive by mail under separate cover.

Thank you for your time and consideration to this matter.

Sincerely,

*GARCIA LAW LLC*

Stephen N. Garcia  
Attorney for Respondents

CC: Lad Santiago (*via email only*)