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May 22 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.

APPELLANT'S NUNC PRO TUNC FILING OF THE AFFIDAVIT OF DR. LAD SANTIAGO FOR APPELLANT'S MOTION AND MEMORANDUM TO ALTER AND AMEND APPELLANT'S DESIGNATIONS OF MATTER

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Pro Se for Appellant

Attorney for Respondents

(Appellant also requested that this Court grant the Appellant the opportunity to amend the Designation of Matter, as additional items are now required in order to make it complete and thus make the Record On Appeal complete).

- March 3, 2025: Nunc Pro Tunc for Feb 25, 2025:

COMES NOW, Appellant Dr. Lad Santiago, Pursuant to Rule 263 of the South Carolina Rules of Appellate Procedure, who respectfully requests and moves that this Court grant an extension of time to file his Record on Appeal. The Record on Appeal would normally be due 30 days from the date of the Appellant's Reply Brief, which was filed on February 13, 2025, which would be March 15, 2025. Appellant is requesting a 30-day extension from March 15, 2025, making the proposed deadline for the Record on Appeal due April 15, 2025. *(This request was necessary due to Appellant's ongoing illnesses, now further complicated by the influenza virus, with several relapses. [Furthermore, this is compounded by a systemic infection due to a periodontal condition that will require oral surgery, and an extraction of a decaying tooth in order to halt the general systemic infection, which is presently depleting the Appellant's immune system. This surgical procedure will be performed this Monday, March 3, 2025, and will require time to heal. The aforementioned health circumstances have caused the Appellant] to be intermittently bedridden [and will most probably continue to do so. These circumstances have] directly impacted upon his ability to complete the tasks currently required in this [legal] matter. This extension of time will allow the Appellant to recover and subsequently proceed with the tasks noted herein.*

- February 28, 2025: Respondents' Attorney's Objection Letter to Appellant's February 25, 2025 Motion

- March 5, 2025: Appellant's Response to Respondents' Objection Letter
(“ . . . due to illnesses that were previously noted in his Motion of February 25, 2025, and in his Nunc Pro Tunc of March 3, 2025, the Appellant inadvertently omitted the Amended Designation of Matter [items] to his Initial Brief, and the Designation of Matter to his Reply Brief,” necessitating this correction).

- March 5, 2025: Respondents' Return to Appellant's Motion for Ext of Time and Amendment

- March 7, 2025: Appellant's Response to Respondents' Attorney's Return Dated March 5, 2025
(The Appellant submitted the Designation of Matter, but desires to amend under Nunc Pro Tunc the Appellant's Designation of Matter for his Initial Brief, and to submit the Designation of Matter for Appellant's Reply Brief under Nunc Pro Tunc due to an inadvertent omission because of severe illness, as had been previously explained in his Nunc Pro Tunc of March 3, 2025.)

- April 8, 2025: Extension granted until April 15, 2025; motion to amend DOM was denied without prejudice because the items were not designated for the DOM; however, this has since been rectified in the Nunc Pro Tunc filing of April 15, 2025, and most recently as a Motion to Amend, dated May 19, 2025.

- April 11, 2025: Appellant filed Motion for Extension of Time to File Record on Appeal
Appellant has endured unexpected, extraordinary circumstances most recently with further

complications regarding his health, that have directly caused his inability to comply with the time deadlines imposed by the Court ruling granting the Appellant's requested extension until April 15, 2025.

Because of Appellant's diminished and compromised immune system due to a septic infection that was caused by an abscessed root of a tooth, the Appellant became more prone to other infections, and as a result, subsequently contracted a very severe infection of the RSV virus. Since the Appellant's filing for an extension of time previously, (February 25, modified on March 3, 2025), the Appellant underwent a dental extraction of the abscessed tooth in the first week of March 2025, which resulted in a longer recovery from this procedure due to his diminished and compromised immune system.

Since this filing noted above, Appellant was diagnosed on March 15, 2025, with a very serious RSV (Respiratory Syncytial Virus) infection that has been and continues to be severe because of his immune compromised condition, elderly age and consequential frailty. The following are symptoms that the Appellant has experienced as a result of this condition: fever, congestion, very severe cough, body aches, lethargy and fatigue, headache, dizziness, confusion, mental foginess, runny nose, sore throat, difficulty breathing, respiratory distress, bronchiolitis, dehydration with reduced appetite, difficulty drinking, and significant weight loss. This situation compels persistent ongoing bedrest. RSV is long-lasting in immune compromised individuals and in the elderly, of which the Appellant is both.

As a result, he underwent treatment with appropriate medications to prevent the potentiality of pneumonia that is often associated with RSV infections. This, and other medications to control the severe and productive cough have caused side effects such as a highly elevated PSA, and other aberrant biochemical blood markers, which are being treated at present.

He is now beginning to show signs of improvement. However, he requires more time to adequately recover the capacity to effectuate an appropriate response regarding the record on appeal.

- April 11, 2025: Court Order Granted for Extension of Time until May 15, 2025

- April 15, 2025: Appellant filed his DOM to be included in the Record on Appeal as a Nunc Pro Tunc

- April 21, 2025: Respondents' Attorney filed a Return to Appellant's DOM of April 15, 2025, objecting *without cause* in a frivolous attempt to defy the credibility of the amendment of Appellant's Designation of Matter (DOM) and thereby undermine justice.

- April 24, 2025: Court issued a letter stating for both parties to file a Motion

- April 24, 2025: Respondents' Attorney filed a Motion to Strike

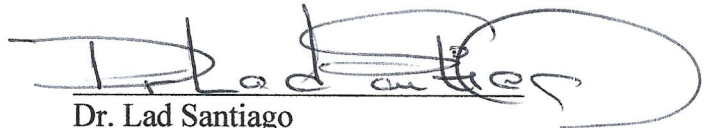
- May 5, 2025: Appellant filed his Answer to the Motion to Strike that included addressing Respondents' Attorney's April 21, 2025 filing

- **May 6, 2025:** Notice of Abeyance from Court as Respondents' Motion has not yet been heard
- **May 11, 2025:** Appellant sought care from an Urgent Care facility as he was experiencing an acute, severe exacerbation of his noted health issues. These issues became increasingly more intense over the previous two weeks and ultimately required him to seek urgent care. He is currently still ill and attempting to recover as of the date of the filing of this Affidavit.
- **May 19, 2025:** Appellant filed his Motion to Amend his DOM (Designation of Matter).

Further, Affiant sayeth naught.

Dated May 22nd, 2025.

by:



Dr. Lad Santiago
 5041 North Blackstock Road,
 Spartanburg, South Carolina 29303
 drladsantiago@gmail.com

State of SOUTH CAROLINA)
) Jurat
 County of SPARTANBURG)

On the 22nd day of May, 2025, the above signed "Dr. Lad Santiago," personally appeared before me with this AFFIDAVIT OF Dr. Lad Santiago; and proved to me on the basis of satisfactory evidence and identification to be the man whose name is subscribed herein above and acknowledged to me that he executed the same in his authorized capacity.



 NOTARY PUBLIC

5/22/2025
 DATE



Frances C. Pouncey
 NOTARY PUBLIC, STATE OF SOUTH CAROLINA
 My Commission Expires 02/23/2034

**PROOF OF SERVICE OF APPELLANT'S NUNC PRO TUNC FILING
OF THE AFFIDAVIT OF DR. LAD SANTIAGO FOR APPELLANT'S
MOTION AND MEMORANDUM TO ALTER AND AMEND
APPELLANT'S DESIGNATIONS OF MATTER**

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Dr. Lad Santiago,

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v.

Stephen N. Garcia, as Attorney for
Oscar Avila Hernandez, et.al.,

Respondents.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 22nd day of May, 2025, he served counsel for the Respondents with a copy of Appellant's Nunc Pro Tunc filing of the Affidavit of Dr. Lad Santiago for Appellant's Motion and Memorandum to Alter and Amend Appellant's Designations of Matter in this case 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

**LETTER TO THE APPELLATE COURT CLERK FILING NOTICE
APPELLANT'S NUNC PRO TUNC FILING OF THE AFFIDAVIT OF DR. LAD
SANTIAGO FOR APPELLANT'S MOTION AND MEMORANDUM TO ALTER AND
AMEND APPELLANT'S DESIGNATIONS OF MATTER**

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

May 22, 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

Dear Ms. Kitchings:

Attached for filing is Appellant's Nunc Pro Tunc filing of the Affidavit of Dr. Lad Santiago to be added to and for Appellant's Motion and Memorandum to Alter and Amend Appellant's Designations of Matter that was filed on May 19, 2025.

Please add this Affidavit document to Appellant's Motion and Memorandum to Alter and Amend Appellant's Designations of Matter.

A Certificate of Service to the Respondents' Attorney has been mailed separately, a copy of which is contained herein.

Please confirm receipt. Thank you.

Sincerely,

/s/ Dr. Lad Santiago

Dr, Lad Santiago
5041 North Blackstock Road
Spartaburg, South Carolina 29303
Pro Se for Appellant

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

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