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**May 29 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' RETURN TO  
APPELLANT'S MOTION TO ALTER AND AMEND  
APPELLANT'S DESIGNATION OF MATTER**

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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 and Memorandum to Alter and Amend Appellant's Designation of Matter dated May 19, 2025 and state:

1. **Put plainly, the Respondents do not consent to *any* amendment of the Designation of Matter.**
2. On April 8, 2025, 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. On April 15, 2025, Appellant filed a *new* Designation of Matter which added several new documents and filings to the Designation of Matter that was filed with his initial brief.
4. On April 24, 2025, the Respondents filed their Motion to Strike the Appellant's newly filed and altered Designation of Matter, alleging various grounds (most notably, the prejudicial effect of altering the scope of arguments and records available to the Appellant *after* the parties have submitted their initial briefs).
5. Thereafter, and consistent with his erratic filings and behavior, on May 19, 2025, the Appellant filed is Motion and Memorandum to Alter and Amend Appellant's Designation of Matter.
6. Respondents, by filing this Return, essentially make the same arguments that the Respondents made when filing their Motion to Strike dated April 24, 2025.
7. Again, Appellant has made no effort to contact or discuss amendment of the Designation of Matter with the undersigned—in writing or otherwise.

8. Although Appellant states that the portions proposed to be added by amendment were inadvertently omitted, the appellant does not state, with any specificity, the need for adding *ten (10) additional documents* to the Record.
9. 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.
10. 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.
11. The parties have already submitted their initial briefs and reply brief; the time for filing Designations of Matter has long passed.
12. Allowing the Appellant to add ten (10) documents to his Designation of Matter—at a time where the Appellant and 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.
13. 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.
14. 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.

15. The Appellant has raised his “go-to” argument whenever he wishes to stretch the time limits associated with filing deadlines in this action—illness; however, his alleged illness does not explain his failure to file a complete designation of matter, to wit:

- a. The Appellant’s illness did not prevent him from filing his initial brief;
- b. The Appellant’s illness did not prevent him from filing his reply brief;
- c. The Appellant’s illness did not prevent him from filing his Designation of Matter;
- d. All of these were filed simultaneously with his Designation of Matter.

16. Although I can certainly empathize with Appellant for his alleged illness, to allege that illness is the cause for why he must now amend his Designation of Matter rings hollow—and even if accepted as true, does not amount to sufficient good cause for the extreme prejudice it was cause to the Respondents.

17. 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 submit 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.

**[SIGNATURE ON FOLLOWING PAGE]**

Respectfully submitted,

A handwritten signature in black ink, consisting of the letters 'S' and 'G' joined together in a stylized, cursive manner.

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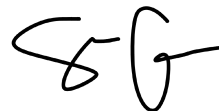
Respondents.

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**PROOF OF SERVICE**

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I certify that I have served the **Return to Appellant's Motion to Amend Designation of Matter** on Lad Santiago by depositing a copy of it in the United States Mail, postage prepaid, on **May 29, 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: May 29, 2025