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Jun 04 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 RESPONSE TO RESPONDENTS' ATTORNEY'S RETURN TO
APPELLANT'S MOTION AND MEMORANDUM TO ALTER AND AMEND
APPELLANT'S DESIGNATIONS OF MATTER**

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Pro Se for Appellant

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Attorney for Respondents

COMES NOW, Appellant, Dr. Lad Santiago, and files this Appellant's Response to Respondents' Return to Appellant's Motion and Memorandum to Alter and Amend Appellant's Designations of Matter which Appellant filed on May 19, 2025, and hereby states:

The Appellant does *not* agree with *any* of the Respondents' Attorney's positions and statements regarding his opposition to altering and amending Appellant's Designations of Matter presented in the Respondents' Attorney's Return to Appellant's Motion and Memorandum to Alter and Amend Appellant's Designations of Matter.

Moreover, in support of this filing, the Appellant adopts and incorporates all factual statements and legal positions expounded upon in Appellant's filing of May 5, 2025: *Appellant's Response to Respondents' Motion to Strike Appellant's 2nd Designation of Matter*, and Appellant's filing of May 19, 2025: *Appellant's Motion and Memorandum to Alter and Amend Appellant's Designations of Matter*.

The following paragraph numbers below correspond to Respondents' Attorney's numbers in his Respondents' Return to Appellant's Motion [and Memorandum] to Alter and Amend Appellant's Designation[s] of Matter.

1. Denied. It is the Respondents' Attorney's prerogative to not consent to any amendment of the Appellant's Designation of Matter; “. . . however, it is solely [at] the discretion of the Court of Appeals to allow an amendment to the Designation of Matter. Thus, the Appellant respectfully defers to the review and wisdom of this Honorable Court to make this decision. To this end, Appellant will be filing a Motion to Amend his Designation of Matter.”¹ Please note that this Motion to Amend was completed and filed with this Honorable Court as of May 19, 2025.

¹ See Appellant's filing of May 5, 2025: Appellant's Response to Respondent's Motion to Strike Appellant's 2nd Amended Designation of Matter, page 2, paragraph 1.

2. Denied. Respondents' Attorney has misinterpreted the Appellate Court's Order of April 8, 2025. "The Court Order specifically state[s], in part: ' . . . this court denies Appellant's motion to amend his designation of matter without prejudice on the basis Appellant has not indicated the matter he desires to designate.' (emphasis added). Based upon the Court's mandate, the Appellant is allowed to resubmit a Motion to Amend his Designation of Matter, as it only denied the request on the designation of matter because Appellant had not indicated the matter to be designated. However, the Appellant added the matter in his Nunc Pro Tunc filing of April 15, 2025, which is contrary to Respondents' Attorney's erroneous understanding and erroneous statement of the Order and [its] . . . application thereof. Furthermore, based upon the Court's most recent letter of April 24, 2025, the Appellant will be submitting a Motion to Amend his Designation of Matter."² Please note that this Motion to Amend was completed and filed with this Honorable Court as of May 19, 2025.

3. Denied. Appellant filed a Nunc Pro Tunc Designation of Matter on April 15, 2025, not ". . . a new Designation of Matter. . . .", to clarify and answer the Court's request to indicate the matter to be designated. Furthermore, as stated in the cover letter to the Court, "[t]his 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."³

² See Appellant's filing of May 5, 2025: Appellant's Response to Respondent's Motion to Strike Appellant's 2nd Amended Designation of Matter, page 2, paragraph 2.

³ See Appellant's Cover Letter for his Nunc Pro Tunc filing for the previously filed Designation of Matter to be Included in the Record on Appeal, filed April 15, 2025.

4. Denied. Respondents' Attorney's statements in number 4. are unclear as to their purpose and appear to be statements of perceived alleged contentions which are poorly grounded as they do not alter ". . . the scope of arguments and records." Furthermore, Respondents' Attorney has never articulated how this is prejudicial. In fact, the Respondents' Attorney actually filed the following: ". . . Motion to Strike the Appellant's 2nd Amended the Designation of Matter dated April 15, 2025. . . ." which is not ". . . newly filed and altered. . . ." as is stated in his paragraph no. 4.

5. Denied as to being ". . . consistent with his erratic filings and behavior"; Appellant has made no ". . . erratic filings and behavior",⁴ as Respondents' Attorney alleges. Furthermore, this ". . . erratic filings and behavior. . ." statement made by Respondents' Attorney is an erroneous, gross mischaracterization and character assassination as to the Appellant's emotional, psychological, and behavioral state of being and conduct, which is tantamount to character assassination. There is nothing in the Appellant's filings or behavior to give credence to Respondents' Attorney's statement of the Appellant and his work product as being erratic. Furthermore, Respondents' Attorney is not a licensed healthcare provider with a keen knowledge of psychological expertise to make such an extreme, unfounded statement. Respondents' Attorney's statement is a violation of the Rules of Professional Conduct, and as such, this is unbecoming an officer of the Court, whose conduct and decorum before the Court should be

⁴ Erratic/inconsistent behavior is behavior that is unpredictable, or may be considered irregular or illogical for the situation, or not keeping with the standards of behavior for a given set of circumstances.
<https://askjan.org/limitations/Erratic-Inconsistent-Behavior.cfm>

beyond reproach in all matters written or otherwise.^{5, 6, 7} This does nothing more than demean the legal system and undermine justice. As to Respondents' Attorney's associated allegation, Appellant confirms that he did file Appellant's Motion and Memorandum to Alter and Amend Appellant's Designations of Matter on May 19, 2025.

6. Without knowledge. Although the Respondents' Attorney assumes the position of embracing the same arguments filed in his Motion to Strike of April 24, 2025, it does not mean that the Respondents' Attorney's motion is not flawed; it is in fact not correct as was noted in the Appellant's Response to Respondents' Motion to Strike Appellant's 2nd Amended Designation of Matter, filed on May 5, 2025, and which was also addressed in Appellant's Motion and Memorandum to Alter and Amend Appellant's Designations of Matter filed on May 19, 2025.

7. Admit. "3. This is erroneous as it is not relevant nor applicable, as the Court has specifically stated that a Motion must be filed according to their letter of April 24, 2025, regarding the topic of amending the Designation of Matter. There is nothing in the Rules cited that requires the Appellant to communicate with the Respondents' Attorney, verbally or in writing regarding this matter in particular. Appellant does not have any objection, nor is he adverse to confer with the Respondents'

⁵ See SCRPC Rule 8.4(d)(e) It is professional misconduct for a lawyer to: (d) engage in conduct involving dishonesty, fraud, deceit or misrepresentation; (e) engage in conduct that is prejudicial to the administration of justice; <https://www.sccourts.org/resources/judicial-community/court-rules/appellate/rule-407/rule-84/>

⁶ See SCRCP Rule 407(1)(2)(5): [1] A lawyer, being a member of the legal profession, is a representative of clients, an officer of the legal system and a public citizen having special responsibility for the quality of justice; [2] ". . . under the rules of the adversary system. . . a lawyer. . . [must be] consistent with requirements of honest dealings with others." [5] "A lawyer should use the law's procedures only for legitimate purposes and not to harass or intimidate others. A lawyer should demonstrate respect for the legal system. . . ." <https://www.sccourts.org/resources/judicial-community/court-rules/appellate/rule-407/preamble/>

⁷ See Rule 4.1: [1] A lawyer is required to be truthful when dealing with others on a client's behalf, . . . A misrepresentation can occur if the lawyer incorporates or affirms a statement of another person that the lawyer knows is false. Misrepresentations can also occur by partially true but misleading statements or omissions that are the equivalent of affirmative false statements. <https://www.sccourts.org/resources/judicial-community/court-rules/appellate/rule-407/rule-41/>

Attorney regarding this specific matter; however, this is an inappropriate circumstance to execute this form of communicative exchange at this time, verbal or written.”⁸

“Respondents’ Attorney has misinterpreted and misapplied rule 212(b) which solely references Supplementing the Record on Appeal. The Appellant is NOT supplementing the Record on Appeal in this instance, since the Record on Appeal has NOT yet been created or filed, and the Record on Appeal is predicated upon the Designation of Matter, which is being submitted shortly, per the Court’s directive, as a Motion to Amend the Designation of Matter that had previously been filed as a Nunc Pro Tunc by the Appellant.”⁹

8. Denied. The Appellant does state “. . .with. . . specificity. . .” the amendment of his designation of matter. The Appellant has previously addressed and corrected this erroneous statement by Respondents’ attorney. Please refer to the following: “4. This is a false and misleading statement by the Respondents’ Attorney. The Appellant’s cover letter of his April 15, 2025, Nunc Pro Tunc Court Filing did state the need to add the additional items. Please also note that the Respondents’ Attorney did not state his need for any of the items that he noted within his Designation of Matter. In further support and in verification, the Appellant’s letter to the Court of April 15, 2025, states specifically, as follows: “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*

⁸ *See* Appellant’s Response to Respondents’ Motion to Strike Appellant’s 2nd Amended Designation of Matter, filed on May 5, 2025, pages 3, item no. 3.

⁹ *See* Appellant’s Response to Respondents’ Motion to Strike Appellant’s 2nd Amended Designation of Matter, filed on May 5, 2025, pages 8-9, within item no.10.

justice to prevail in this Honorable Court's deliberations in this case." (Emphasis added to the last sentence). 5. Contrary to Respondents' Attorney's allegations that these Designation of Matter items are not cited in either the Initial Brief and/or the Reply Brief, this is an erroneous statement. Upon examination by the Appellant of the Appellant's Initial Brief and his Reply Brief, these documents reveal references to the items that the Appellant desires to include in his Designation of Matter for both his Initial Brief and/or his Reply Brief."¹⁰

9. Denied. Appellant has previously answered the erroneous allegation of Respondents' Attorney regarding the items to be included in his Amended Designation of Matter, in both Appellant's Response to Respondents' Motion to Strike Appellant's 2nd Amended Designation of Matter, filed on May 5, 2025, as well as in his Appellant's Motion and Memorandum to Alter and Amend Appellant's Designations of Matter, filed May 19, 2025.

The following quote is from Appellant's Motion and Memorandum to Alter and Amend Appellant's Designations of Matter, filed May 19, 2025, pages 5 – 6: "Also, please note the following, as referenced from Appellant's Response to Respondents' Motion to Strike that was filed May 5, 2025, as summarized below:¹¹

- (1) all of the items to be added are already part of the Circuit Court Record,
- (2) several of these items are already a part of the Respondents' Attorney's Designation of Matter,
- (3) these items are already referenced in the Initial Brief and/or the Reply Brief of the Appellant,
- (4) the Appellant was impeded from entering these items in his Designations of Matter previously due to severe illness. To further support this, Appellant has consistently noted that due to his prolonged and extraordinary health conditions that have caused the

¹⁰ *See* Appellant's Response to Respondents' Motion to Strike Appellant's 2nd Amended Designation of Matter, filed on May 5, 2025, pages 3-4, item nos. 4 and part of 5.

inadvertent clerical omissions, he was unable to properly complete his Designations of Matter. In support of this, as noted in his filing of March 5, 2025, ‘. . . 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. Please note that the Appellant already attempted to submit a Nunc Pro Tunc Amended Designation of Matter, but the Respondents’ Attorney objected *without cause*, in a frivolous attempt to defy the credibility of the amendment of Appellant’s Designations of Matter.

(5) Furthermore, in addition to the above, the following was and is hereby noted: “‘. . . since the Respondents’ Attorney introduced new issues in his Initial Brief of Respondents that were beyond those issues in the Appellant’s Initial Brief, which issues are in dispute, the Appellant needs to add these disputed matters/items within the Appellant’s Designation of Matter to the Reply Brief.’ *See: Page 3 of Appellant’s Response to Respondents’ Attorney’s Objection Letter dated February 28, 2025, to Appellant’s Motion For Extension Of Time To File The Record On Appeal And For Amendment Of Designation Of Matter.*”¹¹

10. Denied. Appellant has previously answered this misleading allegation regarding Respondents’ Attorney’s statement “. . . that no prejudice would inure to the Respondents. . . .”, in both Appellant’s Response to Respondents’ Motion to Strike Appellant’s 2nd Amended Designation of Matter, filed on May 5, 2025, as well as in Appellant’s Motion and Memorandum to Alter and Amend Appellant’s Designations of Matter, filed May 19, 2025.

¹¹ *See* Appellant’s Motion and Memorandum to Alter and Amend Appellant’s Designations of Matter, filed May 19, 2025, pages 5 – 6.

Please note the following statement quoted from pages 4-5 of Appellant's Motion of May 19, 2025:

“Additionally, “[u]pon examination by the Appellant of the Appellant’s Initial Brief and his Reply Brief, these documents reveal references to the items that the Appellant desires to include in his Designation of Matter for both his Initial Brief and/or his Reply Brief. Also, as previously stated, ‘Item #s 8, 9, 10, 12, 13, 14, 15, 18, 19, 25 were inadvertently omitted because of clerical error due to extraordinary circumstances involving severe illness of the Appellant. *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.*’ (Emphasis added to the last sentence).”⁹ Furthermore, these documents are already in the Circuit Court Record.”¹²

Please also see Appellant’s answer of item number 9. heretofore in this document.

11. Denied. Respondents’ Attorney’s statement in item no. 11 regarding “. . . the time for filing Designations of Matter has long passed,” is not applicable in this instance. This was also previously addressed by Appellant in Appellant’s Response to Respondents’ Motion to Strike Appellant’s 2nd Amended Designation of Matter, filed on May 5, 2025, page 5, the first six lines of item no. 7 which states: “7. Respondents’ Attorney’s allegation is misleading in and of itself, when he stated that ‘. . . the time for filing Designations of Matter has long passed.’ The Appellant has had multiple illnesses that have impaired his ability to complete the Designation of Matter in full due to an inadvertent clerical omission caused by severe multiple illnesses. Furthermore, this has been acknowledged by the Court as the Appellant has motioned for and been granted, extensions of time

¹² See Appellant’s Motion and Memorandum to Alter and Amend Appellant’s Designations of Matter, filed May 19, 2025, pages 4 – 5.

more than once due to extraordinary circumstances [presented] because of the Appellant's illnesses." ¹³

12. Denied. This is a false and illogical allegation made by the Respondents' Attorney. This issue was also previously addressed by Appellant in Appellant's Response to Respondents' Motion to Strike Appellant's 2nd Amended Designation of Matter, filed on May 5, 2025, page 4, item no. 6 and page 6, item no. 8, stated as follows: "6. It is not applicable and it is illogical for the Respondents' Attorney to state that having these additional Designation of Matter Case Court Filings would cause prejudice to the Respondents, as these documents are already part of the case record in the Circuit Court and were requested to be included in the Appellant's Nunc Pro Tunc Amended Designation of Matter filing. These documents are pertinent and essential to this Appeal. As previously stated above, *"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."* Furthermore, Respondents' Attorney fails to note any specificity regarding how any of these additional documents to be added to the Designation of Matter would prejudice the Respondents. It is of interest to note that a number of the Documents that the Respondents' Attorney is claiming would cause great prejudice to his clients, are actually documents that he has listed within his own Designation of Matter. Some of the other documents that are related to and relevant to documents in his Designation of Matter, and that are being requested by the Appellant to be included, are Court Transcripts that have already been submitted by the Appellant to this Honorable Court. Appellant fails to understand how this would cause great prejudice to the Respondents if these and related documents in question are within the Respondents' Attorney's

¹³ See Appellant's Response to Respondents' Motion to Strike Appellant's 2nd Amended Designation of Matter, filed on May 5, 2025, page 5, the first six lines of item no. 7.

own Designation of Matter. And as previously stated above, any remaining documents are already within the Circuit Court record. Therefore, the documents being requested to be included in the Appellant's Amended Designation of Matter should be granted by this Honorable Court." "8. The Respondents' Attorney's statement is erroneous. It would not in any way divest the Respondents of opportunity and fairness to respond to any documents or potential arguments. His statement is inaccurate and not in the interest of justice. The Respondents' Attorney did not object to any of the Appellant's initial Designation of Matter, so why would he now object to this amended Designation of Matter, especially when all of the items noted to be designated are already part of the Circuit Court record and already referenced in the Appellant's Initial Brief and/or Reply Brief. Additionally, as previously stated, one would be hard pressed to believe that any of these additional documents would be prejudicial, given that a number of them are already contained within the Respondents' Attorney's own Designation of Matter, as was previously noted in answer to item number 6 above."

13. Denied. This is a false statement as the Respondents will not have to re-file their Initial Brief to address the Amended Designation of Matter. Moreover, this amendment is not being introduced at the last moment as this issue has been previously introduced for a lengthy amount of time, but it has been under the consideration of this Honorable Court due to Respondents' Attorney's adamant persistence in objecting and thereby obstructing the inclusion of the designated matter items being proposed. Furthermore, Appellant's Motion to Amend his Designations of Matter is not highly prejudicial, and is not inconsistent with a fair appellate process as Respondents' Attorney alleges. This was also addressed previously by the Appellant in Appellant's Response to Respondents' Motion to Strike Appellant's 2nd Amended Designation of Matter, filed on May 5, 2025. Please refer to the answers to numbers 9 and 12 above as is stated within this document.

14. Denied. This has also been previously addressed by the Appellant in Appellant’s Response to Respondents’ Motion to Strike Appellant’s 2nd Amended Designation of Matter, filed on May 5, 2025. It is quoted as follows from pages 8-9, item no. 10, which states as follows: “**10.** Although the Respondents’ Attorney has this position, it is not applicable in this case as an inadvertent clerical omission occurred to which in response, Nunc Pro Tunc^{6,7} documents were filed by the Appellant. This error of omission occurred because of extraordinary circumstances involving illness to the Appellant, which the Court was notified of accordingly. However, the Respondents’ Attorney has failed to acknowledge that the Appellant has had extreme illness that has directly impacted the Appellant’s ability to address the Designation of Matter completely; thus, the error of clerical omission. This previous statement, in and of itself, is a showing of good cause, and as the Appellate Court has stated, a Motion is to be filed to address the amendment of a Designation of Matter, which the Appellant is in the process of formulating. Respondents’ Attorney has misinterpreted and misapplied rule 212(b)⁸ which solely references Supplementing the Record on Appeal. The Appellant is NOT supplementing the Record on Appeal since the Record on Appeal has NOT yet been created or filed, and the Record on Appeal is predicated upon the Designation of Matter, which is being submitted shortly, per the Court’s directive, as a Motion to Amend the Designation of Matter that had previously been filed as a Nunc Pro Tunc by the Appellant.” The Motion mentioned herein has been filed before this Honorable Court on May 19, 2025. Please note that Respondents’ Attorney added “. . . (and/or Record). . . .” as a ploy to justify his contention that “. . . 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. . . .” Rule 212 (b) of

the SCACR applies strictly to the Record on Appeal and not the Designation of Matter. At the center of this is an action of deception and dishonesty.¹⁴

Please also refer to answer number 9. above stated within this document.

15. Denied. These are absurdly false allegations, accusations and character assassination statements made by the Respondents' attorney. There is no “. . .go-to argument. . .” or strategy regarding the concept of illness, as the Respondents' Attorney alleges. Plain and simple, Appellant's illnesses are a fact, and *do fully explain* his failure to file complete Designations of Matter. The following elaborates upon this further.

Appellant has been ill for more than the entire year of 2024, and has been suffering with Long Covid since 2022, with greater exacerbations and new illnesses that have occurred during all of his Appellate Court filings. This can be verified with extensions of time filings dated as follows: 10/21/2024; 11/19/2024; 02/25/2025 and 03/03/2025; and 04/11/2025.

Respondents' Attorney attempts to make it appear that the Appellant is employing some ploy to advance his endeavors regarding the Amendment of Designations of Matter via a Nunc Pro Tunc filing due to extraordinary circumstances, namely illness. Again, this attempt on the part of Respondents' Attorney to undermine the Appellant's right for a fair and just deliberation on the part of this Honorable Court is absolutely unfounded, and misleading at best. Again, dishonesty.

As to 15 a., Appellant admits that he filed an Initial Brief on January 3, 2025, however, Respondents' Attorney is in error as to his contention. The Initial Brief was filed after having received two extensions of time. These extensions of time were sought because of the Appellant's physical illnesses (apart from the direct and severe impact of Hurricane Helene, which is also noted

¹⁴ *See* SCRPC Rule 8.4(d)(e) It is professional misconduct for a lawyer to: (d) engage in conduct involving dishonesty, fraud, deceit or misrepresentation; (e) engage in conduct that is prejudicial to the administration of justice; <https://www.sccourts.org/resources/judicial-community/court-rules/appellate/rule-407/rule-84/>

in this case record). Therefore, the Respondents' Attorney's allegation aforementioned is absolutely unfounded and erroneous.

As to 15 b., Appellant admits that he filed a Reply Brief on February 13, 2025, however, Respondents' Attorney is in error as to his contention. Please note that the Reply Brief was *filed with the assistance of his administrative assistant while the Appellant was ill*, and subsequently Appellant was compelled to request two extensions of time, the first on February 25, 2025, and March 3, 2025, and the second on April 11, 2025. These extensions of time were sought because of the Appellant's physical illness. Therefore, the Respondents' Attorney's allegation aforementioned is absolutely unfounded and erroneous.

As to 15 c., the Appellant's illness did impede his ability to submit a complete designation of matter and therefore, as a result, he was compelled to file a Nunc Pro Tunc amended designation of matter. This is not an "all or none" situation. It can manifest as it has done in this case, with gradations of impedance without totally eliminating the Appellant's ability to file a Motion at some level of completion as has occurred in this case.

As to 15 d., The Appellant admits that a Designation of Matter was submitted with the Initial Brief, although it was incomplete due to a clerical error of omission caused by Appellant's illnesses and so he was compelled to file a Motion on February 25, 2025 with a Nunc Pro Tunc on March 3, 2025 to correct this deficiency. However, Respondents' Attorney is in error as to his statement regarding the Appellant's Reply Brief. The Appellant did not file the Designation of Matter simultaneously, otherwise, he would not have filed a Nunc Pro Tunc for the Amendment to include the entire Designation of Matter for the Reply Brief, as is noted in Appellant's Motion and Memorandum to Alter and Amend Appellant's Designations of Matter, filed May 19, 2025.

Furthermore, it is false that the Appellant's Initial Brief, his Reply Brief and Designations of Matter were all filed on the same date as Respondents' Attorney alleges.

16. Denied. The Appellant disagrees that the Respondents' Attorney empathizes with the Appellant. Throughout these proceedings, the Respondents' Attorney has never demonstrated one iota of sympathy. Empathy would not apply in this instance as Respondents' Attorney appears not to have been in my situation and circumstance, as he would have otherwise demonstrated understanding and compassion. The very definition of empathy ¹⁵ coupled with the statements and actions of the Respondents' Attorney throughout this case illustrates that Respondents' Attorney refuses to and has not *ever* empathized with the Appellant. The Appellant has consistently noted and demonstrated in his filings that he has desired to amend his Designation of Matter; Respondents' Attorney is thus in error with his statement that “. . . he must **now** amend. . . .” (emphasis added). Appellant has historically and consistently noted Illness, which is more than a sufficient and good cause for Appellant to amend his Designation of Matter. Authorities of law have been provided to the Court for the basis of Nunc Pro Tunc which includes illness. If there is any extreme prejudice and risk thereof, it would be on the part of the Respondents and their Attorney towards the Appellant by them obstructing and thus attempting to **not** allow the Appellant to apply what has already been demonstrated to be a proper and sound request and thus, cause for the Appellant to Amend his Designations of Matter. Therefore, it would be the Appellant that would incur great prejudice if his Motion to Amend his Designations of Matter is not granted.

¹⁵ Empathy is the ability to emotionally understand what other people feel, see things from their point of view, and imagine yourself in their place. Essentially, it is putting yourself in someone else's position and feeling what they are feeling. See <https://www.verywellmind.com/what-is-empathy-2795562#:~:text=Empathy%20is%20the%20ability%20to%20emotionally%20understand,position%20and%20feeling%20what%20they%20are%20feeling>.

17. Denied. This statement is erroneous as there is substantiated cause for Appellant's motion to amend his Designations of Matter, which have been documented previously, as noted within this document and also within Appellant's previous corresponding filings.

With regard to securing consent from the Respondents' Attorney, it is unfounded as there is no requirement at this juncture of the pleadings/filings for the Appellant to engage in dialogue written or verbal in this instant matter, as has been previously explained within this filing as well as in Appellant's other pertinent filings. Furthermore, this proposed action is not in any way prejudicial to the Respondents in any form. It is not a ". . . last-ditch attempt to expand his designation of matter and/or record. . ." It is a legitimate attempt to Amend the Designations of Matter given the extraordinary circumstances that have caused this deficiency. Again, it is the Respondents' Attorney's hollow attempt to impede and undermine the Court's judicial process and thereby justice.

This begs the question: what are the Respondents and their Attorney so afraid of if the inclusion of these Designation of Matter items promote justice? The perpetuation of this conduct to impede justice is an affront to this Honorable Court and to the Appellant.

It is important to note that the Respondents' Attorney has failed to conform to expected legal conventions in answering or responding to Appellant's filings. For example, he has failed to provide the properly interpreted and applicable Appellate Court Rules, affidavits, and legal authorities through a memorandum of law. Furthermore, he has violated certain rules of professional conduct, which is unbecoming an officer of the Court. Additionally, his arguments lack substance, logic, are confusing, redundant, imprecise and therefore unbelievable, with no substance to their foundation and no authorities of law to substantiate them. They are hollow at best, making his allegations nearly impossible to accept.

WHEREFORE, Appellant prays for an Order from this Honorable Court to *deny* the Respondents' Return to Appellant's Motion and Memorandum to Alter and Amend Appellant's Designations of Matter filed on May 29, 2025, and *deny* Respondents' Attorney's Motion to Strike filed on April 24, 2025, and, instead *grant* the Appellant his Motion for his Amended Designations of Matter filed on May 19, 2025, and any further relief that the Court deems just and proper.

Respectfully submitted,

/s/Dr. Lad Santiago

Dr. Lad Santiago
5041 North Blackstock Road
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(864) 576-2983
Pro Se for Appellant

Dated: June 4, 2025

**PROOF OF SERVICE OF APPELLANT’S RESPONSE TO RESPONDENTS’
ATTORNEY’S RETURN TO APPELLANT’S MOTION AND MEMORANDUM TO
ALTER AND AMEND APPELLANT’S DESIGNATIONS OF MATTER**

THE STATE OF SOUTH CAROLINA

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APPEAL FROM SPARTANBURG COUNTY

SC Court of Appeals

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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.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 4th day of June, 2025, he served counsel for the Respondents with a copy of Appellant’s Response to Respondents’ Return to 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 RESPONSE TO RESPONDENTS' ATTORNEY'S RETURN TO
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

June 4th, 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 Response to Respondents' Attorney's Return 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 filing and receipt. Thank you.

Sincerely,

/s/ Dr. Lad Santiago

Dr, Lad Santiago
5041 North Blackstock Road
Spartanburg, 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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