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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' RETURN TO APPELLANT'S
MOTION TO STRIKE SCANDALOUS AND IMPERTINENT REFERENCE**

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Pro Se for Appellant

Attorney for Respondents

COMES NOW, Appellant, Dr. Lad Santiago and responds to Respondents' Return to Appellant's Motion to Strike, and states in accordance to the sequential order noted by the Respondents' attorney contained in the Return To Appellant's Motion to Strike Designation of Matter, as follows.

Furthermore, in support of this filing, the Appellant adopts and incorporates all factual statements and legal positions expounded upon in Appellant's filing of June 25, 2025, Appellant's Motion to Strike Scandalous and Impertinent Reference.

1. Denied. The crux of the matter is not the conditions noted, such as immaterial, impertinent, and scandalous as Respondents' Attorney would have you believe. These are the *conditions that it presents* making it irrefutably eligible to be stricken.

Furthermore, the document in question (Respondents' attorney's DOM, item no. 22 regarding the ODC filing) is not part of the original legal complaint and proceedings in this current case before this Honorable Court. The complaint issued to the Office of Disciplinary Counsel/Commission on Lawyer Conduct has nothing to do with this current case before The South Carolina Court of Appeals. The complaint issued to the Office of Disciplinary Counsel was an initial attempt by the Appellant to seek relief in the very beginning of this legal process, that took place outside of, and separate and apart from the Circuit Court pleadings and record; an effort to seek an administrative resolution and remedy. The Disciplinary Counsel complaint issued was about the Respondent's Attorney's actions. The complaint to the Disciplinary Counsel was not an official filing as part of the Circuit Court's judicial proceedings and record,¹ nor is the Respondents' Attorney cited as a direct party in the original or amended verified legal complaint to the Circuit Court.

¹ See Rule 210(c) of the South Carolina Appellate Court Rules, [https://www.sccourts.org/resources/judicial-community/court-rules/appellate/rule-210/#:~:text=Matter%20contained%20in%20the%20Record,consecutively%20beginning%20with%20the%20index](https://www.sccourts.org/resources/judicial-community/court-rules/appellate/rule-210/#:~:text=Matter%20contained%20in%20the%20Record,consecutively%20beginning%20with%20the%20index.).
Content. “. . .The Record shall not, however, include matter which was not presented to the lower court or tribunal. . . .”

Additionally, the aforementioned item has no bearing on the issues on appeal of the case. The Respondents' attorney's inclusion of the DOM ODC item no. 22 material in question appears to be driven by malice,² as it is not based on information that would address materials pertinent to the legal breach of contract dispute at hand. Also, it is an abuse of process³ carried out through fraud upon the court⁴; a historical practice employed by the Respondent's attorney from the very inception of the overall legal case. At the center of this is an action of deception and dishonesty.⁵ This does nothing more than demean the legal system and undermine justice.

It is highly prejudicial to the Appellant as its apparent intent is to unduly influence this Honorable Court not to reach an appropriate resolution on the issues before them through proper means and deliberations, but rather serve to distract the Court from carrying forth its true purpose. It appears that the Respondents' attorney intends to cause bias and thereby impede the process of a fair judicial tribunal. In essence, this is an attempt to derail the wheels of justice.

2. Denied. Although the Respondents' Attorney disagrees with all of the grounds stated by the Appellant's Motion to Strike, he has without question denied (failed to acknowledge) the legitimacy of the multitude of facts stipulated and supported by the Appellant's Motion to Strike regarding the

² *See* The Law Dictionary, Malice. <https://thelawdictionary.org/malice/>

“...A conscious violation of the law (or the prompting of the mind to commit it) which operates to the prejudice of another person. About as clear, comprehensive, and correct a definition as the authorities afford is that “malice is a condition of the mind which shows a heart regardless of social duty and fatally bent on mischief, the existence of which is inferred from acts committed or words spoken.” Harris v. State, 8 Tex. App. 109. “Malice,” in its common acceptation, means ill will towards some person. In its legal sense, it applies to a wrongful act done intentionally, without legal justification or excuse. Dunn v. Hall, 1 Ind. 344. . .”

³ *See* Stimmel Law. Abuse of process. <https://www.stimmel-law.com/en/articles/abuse-process-basics-and-practicalities#:~:text=Abuse%20of%20process%20refers%20to,by%20the%20underlying%20legal%20action.>
“**Abuse of process** refers to the improper use of a civil or criminal legal procedure for an unintended, malicious, or perverse reason. **It is the malicious and deliberate misuse of regularly issued civil or criminal court process that is not justified by the underlying legal action.**”

⁴ *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/>

⁵ *Ibid.*

inappropriateness noted as grounds asserted in the Appellant's motion, or for that matter, has failed to admit any legitimacy of any of the facts contained in the Appellant's Motion to Strike. This is utterly unrealistic on the part of the Respondents and their attorney, and therefore absurd. There are irrefutable and undeniable grounds for the Motion to Strike this portion (item no. 22) of the Respondents' Designation of Matter.

As to the Respondents' attorney's second part of paragraph number 2, the Appellant made no such assertion regarding that this Honorable Court can be easily influenced by the Respondents' or Respondents' attorney. In fact, and by contrast, the Appellant stated, "it is highly prejudicial to the Appellant as its intent is to *unduly influence* this Honorable Court not to reach an appropriate resolution on the issues before them through proper means and deliberations, but rather serve to distract the Court from carrying forth its true purpose. It appears that the Respondents' attorney intends to cause bias and thereby impede the process of a fair judicial tribunal."⁶ (Emphasis added). The Appellant has a vast amount of deference for this Honorable Court; it is therefore offensive for the Respondents' attorney to assert such an outlandish postulate, position and statement as Respondents' Attorney asserts.

3. Denied. The Respondents and the Respondents' attorney have the right to offer any document in their pursuit of this matter. However, it is highly inappropriate to offer this document to The Court of Appeals within their Designation of Matter because it fails to meet the necessary requirements that would allow this. As previously noted, the document in question is not part of the original legal complaint and proceedings in this case. The complaint issued to the ODC - Office of Disciplinary Counsel/Commission on Lawyer Conduct - has nothing to do with this current legal case before The South Carolina Court of Appeals. The complaint issued to the Office of Disciplinary Counsel (ODC) was an initial attempt by the Appellant to seek relief in the very beginning of this legal process, which took place outside of, and separate and apart from the Circuit Court pleadings and record; an effort to seek an administrative

⁶ See Appellant's Motion to Strike, pg. 5.

resolution and remedy. The Disciplinary Counsel (ODC) complaint issued was about the Respondent's attorney's actions. The complaint to the Disciplinary Counsel was not an official filing as part of the Circuit Court's judicial proceedings and record,⁷ nor is the Respondents' attorney cited as a direct party in the original or amended verified legal complaint to the Circuit Court.

4. Denied. These are irrelevant and inappropriate documents for the Respondents' attorney to claim (his DOM item number 22, the ODC letter and exhibits) as a defense. These ODC items were never part of the Circuit Court Record. Furthermore, the Respondents' Attorney was not named as a party in this legal case. Therefore, the Appellant is petitioning this Honorable Court to strike these ODC materials from the Respondents' attorney's Designation of Matter (DOM). After review of the 18 alleged references cited by the Respondents' attorney, they are irrelevant, out of context, and inappropriate. Respondents' Attorney is attempting to mix the ODC items with the Circuit Court record, when they are fully separate and unrelated as to venue and purpose.

In support of the above, there is an irrefutable separation between the ODC and the Circuit Court. The ODC is a prosecutorial administrative office.⁸ It is not a Court of Law. It enforces ethical standards pursuant to Rule 407, SCACR. It is not a tribunal overseeing civil and criminal actions. The Circuit court's jurisdiction includes matters like contract disputes, property disputes, personal injury claims, and other civil actions. It does not handle complaints about ethical misconduct by lawyers or judges. Any disciplinary authority and actions fall within the purview and oversight of the South Carolina Supreme Court. The lower courts do not have this disciplinary authority.

⁷ See Rule 210(c) of the South Carolina Appellate Court Rules, <https://www.sccourts.org/resources/judicial-community/court-rules/appellate/rule-210/#:~:text=Matter%20contained%20in%20the%20Record,consecutively%20beginning%20with%20the%20index>.
Content. “. . . The Record shall not, however, include matter which was not presented to the lower court or tribunal. . . .”

⁸ See <https://www.sccourts.org/about/lawyer-judicial-discipline/office-of-disciplinary-counsel/> “The Supreme Court created the Office of Disciplinary Counsel (ODC) to receive and investigate allegations of ethical misconduct by lawyers and judges. ODC has a Disciplinary Counsel who oversees a staff of attorneys that review, investigate, and prosecute lawyer and judicial misconduct matters.”

Additionally, this is an example of what the Respondents' attorney does; he attempts to connect two unrelated issues, i.e., where the Appellant notes that the Respondents' attorney "...breached ethical obligations...", and then he tries to apply the Disciplinary Councils' findings to these ethical breach notations within the Appellant's briefs. However, the Disciplinary Council's findings have no bearing whatsoever on the issues on Appeal within the Initial Brief or Reply Brief of the Appellant, that will be addressed by this Honorable Court. These are two separate and unrelated matters.

5. Denied. This statement is not relevant nor is it applicable to the case before the Appellate Court. This is what Respondents' attorney has persisted in doing; he attempts to confuse the Court when he mixes or combines two separate and unrelated issues, which are non-sequitur in character, so as to give credence or support to his contention, when in fact it is totally not relevant or applicable. Please refer to the answer above in item #4, and as stated in part: "These are irrelevant and inappropriate documents for the Respondents' attorney to claim (his DOM item number 22, the ODC letter and exhibits) as a defense. These items were never part of the Circuit Court Record. Furthermore, the Respondents' Attorney was not named as a party in this legal case." Additionally, the ODC is a separate entity governed by the Supreme Court of South Carolina. The Circuit Court and Appellate Court do not intervene in matters of the ODC. Therefore, an ODC "clearance" as Respondents' Attorney asserts, does not have any impact or relevancy as to the Circuit Court or the Appellate Court roles. The ODC is not a tribunal for civil litigations, and therefore, Respondents' attorney's statement is wholly misplaced.

Please note the cases, *In the Matter of Paul M. Larkin, Respondent*, and *In re Thompson*, it emphatically demonstrates that there is a definite separation between the ODC under the authority of the South Carolina Supreme Court for disciplinary matters concerning attorneys, and the Civil Courts such as the Court of Common Pleas (Circuit Court) and the South Carolina Court of Appeals do not serve in this role.^{9,10}

⁹ *See* *In re Larkin*, 336 S.C. 366, 520 S.E.2d 804 (1999)

¹⁰ *See* *In re Thompson*, 343 S.C. 1, 539 S.E.2d 396 (2000)

Furthermore, the civil courts appear to have a right to inform the ODC of any breaches of professional attorney conduct, but also it appears that they are not obligated to do so. Regardless, an ODC finding is a separate and independent legal action. In contrast, apart from the onus of ethical responsibility, the civil courts are apparently not bound to report these ethical infractions, although the Appellant maintains that it is a moral imperative for the Courts to do so. As regards any disciplinary actions, they are ultimately rendered and ordered by the South Carolina Supreme Court, and not by the trial courts. Therefore, the documents offered by the Respondents' attorney are not in the proper venue and their findings bear no weight on the issues before this Honorable Court.

6. Denied. The Appellant has not made continued accusations toward the Respondents' attorney and they are definitely not a *key argument* in Appellant's Initial Brief and Reply Brief as Respondent's Attorney purports. The Respondents' Attorney takes this position in order to falsely justify his argument to include and maintain item no. 22 in his DOM. Item no. 22 remains inappropriate for inclusion in the DOM provided by the Respondents' attorney to this Honorable Court. Again, the Respondents' attorney fails to admit the fact that his allegations are immaterial, irrelevant and scandalous, and such is supported by authorities of law. Furthermore, as has been previously stated, these DOM item no. 22 documents are not part of the Circuit Court Record. The issues that Respondents' attorney purports to be pertinent are not material and are impertinent. This ODC complaint was issued in March of 2020 and was only a snapshot of that moment in time and were cursorily formulated for lack of substantive evidence in this very early period of March, 2020. However, it does not detract from the gross injustice committed by the Respondents and their attorney in committing the breach of contract and unjust enrichment that took place. The fact is that this breach of contract case has never moved beyond the pleading phase; a rectification that the Appellant prays to have the opportunity to correct, based upon the good graces of this Honorable Court. Regardless, this ODC complaint was a separate action, apart from the Circuit Court Breach of Contract legal matter. In closing, the Respondents' attorney's behavior is noted in the

Appellant's briefs as statements of facts and are offered to explain the Respondents' attorney's modus operandi in carrying forth his fallacious fabrications in the orchestration of his various frivolous 12(b)(6) Motions to Dismiss and his other various and associated pleadings. However, the Circuit Court judge failed to acknowledge, act upon, and report the Respondents' attorney's actions to the ODC.

7. Denied. Whether Respondents' attorney mentions this DOM item as a footnote in his Initial Brief to the South Carolina Court of Appeals is irrelevant, and it is misplaced. Regardless, these materials are again, not part of the Circuit Court Record, nor do they address any of the legal issues on Appeal as noted within the Appellant's briefs. They are thus immaterial, impertinent, scandalous, highly prejudicial and wholly not applicable as an item for this venue. This DOM material is about the Respondents' attorney and his lack of professional conduct which the ODC^{11,12} is responsible for within its venue, not in the venue of the Circuit Court or the Appellate Court; additionally, he was not named in the Appellant's First Amended Verified Complaint with the Court of Common Pleas.

The Court of Common Pleas and the Appellate Court addresses civil actions and does NOT address disciplinary complaints or issues. These courts' jurisdictions include matters such as contract disputes, property disputes, personal injury claims, and other civil actions. It does not handle complaints about ethical misconduct by lawyers or judges, except where it may report disciplinary infractions to the ODC.

8. Denied. The Appellant's actions are not inconsistent and are not absurd as the Respondents' attorney alleges. On the contrary, the Appellant is following the Authorities of Law that govern the actions in this matter, such as the South Carolina Appellate Court Rules, applicable case law, and other relevant references. However, the Respondents' attorney is consistent in promoting a false proposition to include the DOM items that are immaterial, impertinent, scandalous, highly inappropriate and prejudicial. The Respondents' attorney's behavior is noted in the Appellant's briefs as statements of facts and are offered

¹¹ *See* In re Larkin, 336 S.C. 366, 520 S.E.2d 804 (1999)

¹² *See* In re Thompson, 343 S.C. 1, 539 S.E.2d 396 (2000)

to explain the Respondents' attorney's modus operandi; the mention of unethical conduct is provided as historical background regarding this legal case before this Honorable Court. The assertion of unethical conduct by the Respondents' attorney is not the cornerstone of Appellant's arguments. Any reference to them serves as historical background information and they are not the crux of the matter at hand before this Honorable Court. Furthermore, this DOM document was never part of the Circuit Court Record and therefore has no place or relevancy to *the issues on appeal* before this Honorable Court.

9. Denied. First of all, the Respondents' attorney is confusing the issues. As previously stated, the matter presented to the Office of Disciplinary Counsel is a separate matter and venue and has no place in the civil courts. The Respondents' attorney previously had his opportunity to respond to the charges made by the Appellant when he made his response to the Commission. As a matter of record, the Appellant was never made privy to any documents or evidence or statements that were conveyed by the Respondents' attorney to the Commission, and thus, he was not able to properly defend what the Respondents' attorney alleged in his reply to the Commission. The Appellant's facts stated and pertaining to this case that are now before this Honorable Court are not frivolous allegations as Respondents' Attorney asserts, and any all references to professional conduct noted within his Initial Brief and Reply Brief are not to be confused with the ODC complaint and findings. The facts noted within the Initial Brief and Reply Brief are provided to this Honorable Court as historical background information within context. They do not serve as a cornerstone as Respondents' attorney purports. Again, the ODC complaint was a separate matter and stands on its own and strictly falls within the purview of the Supreme Court for review, deliberation and appropriate sanctions. It has no weight or bearing on the Circuit Courts or the civil action matter before this Honorable Court. Furthermore, the Appellant is not preventing nor obstructing this Honorable Court from the opportunity to review this case, but is in fact attempting to make certain that the items in the Designation of Matter (DOM) properly reflect the legal issues on appeal as noted in Appellant's Briefs in order to allow for only the proper DOM items to be included. By so

doing, this Honorable Court will be able to move forward unincumbered by extraneous, immaterial, impertinent and prejudicial information in order to review and address this case properly.

10. Denied. In contrast to the Respondents' Attorney's false statement, the Appellant has every confidence in this Honorable Court to understand the non-applicability of the Appellant's Affidavit to the Office of Disciplinary Counsel and the Counsel's Final Disposition letter, for the below noted reasons:

1. None of these ODC items (Respondents' attorney's DOM item no.22) are part of the Circuit Court Record, and pursuant to Rule 210(c) of the South Carolina Appellate Court Rules, for it stipulates that "...[t]he Record shall not, however, include matter which was not presented to the lower court or tribunal. . . ." ¹³;
2. Respondents' attorney was not noted within and is not a party to the legal Complaint in this case in the Circuit Court or in the Appellate Court;
3. These DOM ODC materials (Respondents' attorney's DOM item no.22 documents) do not address any of the legal issues on Appeal as noted within the Appellant's briefs. They are thus immaterial, impertinent, scandalous, highly prejudicial and wholly not applicable as an item for this venue.
4. These DOM ODC materials (Respondents' attorney's DOM item no.22 documents) are part of a separate system, i.e., the Office of Disciplinary Counsel, and therefore have no bearing on the Circuit or Appellate Courts;
5. The Respondents' Attorney has failed to provide any legal basis for his contentions; no citations of legal authorities: appellate court rules, case law citations, affidavits, or any other relevant references to support his position to include his DOM ODC no. 22 items.

¹³ *See* Rule 210(c) of the South Carolina Appellate Court Rules, <https://www.sccourts.org/resources/judicial-community/court-rules/appellate/rule-210/#:~:text=Matter%20contained%20in%20the%20Record,consecutively%20beginning%20with%20the%20index.>
Content. ". . .The Record shall not, however, include matter which was not presented to the lower court or tribunal. . . ."

6. These DOM ODC materials (Respondents' attorney's DOM item no.22 documents) are not relevant to the issues on appeal in this current case that is before this Court, and as a result, these ODC items do not have any bearing on the matter in question before this Honorable Court.
7. Because it is immaterial, it is not an essential component that could affect the deliberations that pertain to this case, and the decision and outcome of this Honorable Court.

SUMMARY

1. The Respondents' Attorney has failed to provide any legal basis for his contentions; no citations of legal authorities: appellate court rules, case law citations, affidavits, or any other relevant references to support his position to include his DOM ODC no. 22 items.
2. The Respondents' Attorney appears to have circumvented and ignored what the Court Rules state:
 - A. Rule 210(c) that “. . .The Record shall not, however, include matter which was not presented to the lower court or tribunal. . . .”¹⁴
 - B. Rule 12(f), “. . .the court may order stricken from any pleading any insufficient defense or any redundant, immaterial, impertinent or scandalous matter.”¹⁵
3. The Respondents' Attorney appears to focus on the irrelevant and unsupported “issues” (his DOM ODC items) that are immaterial and not applicable to this case, apparently in an attempt to make it

¹⁴ *See* Rule 210(c) of the South Carolina Appellate Court Rules, <https://www.sccourts.org/resources/judicial-community/court-rules/appellate/rule-210/#:~:text=Matter%20contained%20in%20the%20Record,consecutively%20beginning%20with%20the%20index.>
Content. “. . .The Record shall not, however, include matter which was not presented to the lower court or tribunal. . . .”

¹⁵ *See* Rule 12(f) DEFENSES AND OBJECTIONS - WHEN AND HOW PRESENTED - BY PLEADING OR MOTION - MOTION FOR JUDGMENT ON PLEADINGS: Motion to Strike. South Carolina Rules of Civil Procedure (SCRCP), [https://www.sccourts.org/resources/judicial-community/court-rules/civil/rule-12/#:~:text=\(f\)%20Motion%20to%20Strike.,of%20Rule%2012\(e\).](https://www.sccourts.org/resources/judicial-community/court-rules/civil/rule-12/#:~:text=(f)%20Motion%20to%20Strike.,of%20Rule%2012(e).)
(f) Motion to Strike. Upon motion pointing out the defects complained of, and made by a party before responding to a pleading or, if no responsive pleading is required within 30 days after the service of the pleading upon him or upon the court's own initiative, at any time the court may order stricken from any pleading any insufficient defense or any redundant, immaterial, impertinent or scandalous matter.

appear that it is relevant when in fact it has no applicability to the issues on appeal in this case before the Appellate Court.

4. The Respondents' Attorney is not named in the Circuit Court Complaint; thus, the DOM ODC items are not relevant to this case.

CONCLUSION

The document named in the Respondent's Designation of Matter (DOM) item no. 22 should be stricken for all of the reasons mentioned heretofore within the Summary and as well within this entire document, and also pursuant to the following rules and case law: Rule 12(f) of The South Carolina Rules of Civil Procedure because it is “. . . immaterial, impertinent or scandalous matter.”¹⁶ Furthermore, additional legal authorities have supported the position that a matter with these attributes should be stricken. “A motion to strike matter from the pleadings as redundant, immaterial, or scandalous should only be granted if the material is wholly irrelevant, and can have no bearing on the equities and no influence on the decision.”¹⁷ This material which the Respondents' attorney wishes to include is wholly irrelevant and will have no bearing on the equities and no bearing on the decision from this Honorable Court. Additionally, Rule 210(c) of the South Carolina Appellate Court Rules stipulates that “. . . [t]he Record shall not, however, include matter which was not presented to the lower court or tribunal. . . .”¹⁸

¹⁶ *See* Rule 12(f) DEFENSES AND OBJECTIONS - WHEN AND HOW PRESENTED - BY PLEADING OR MOTION - MOTION FOR JUDGMENT ON PLEADINGS: Motion to Strike. South Carolina Rules of Civil Procedure (SCRCP), [https://www.sccourts.org/resources/judicial-community/court-rules/civil/rule-12/#:~:text=\(f\)%20Motion%20to%20Strike,of%20Rule%2012\(e\).](https://www.sccourts.org/resources/judicial-community/court-rules/civil/rule-12/#:~:text=(f)%20Motion%20to%20Strike,of%20Rule%2012(e).)

(f) Motion to Strike. Upon motion pointing out the defects complained of, and made by a party before responding to a pleading or, if no responsive pleading is required within 30 days after the service of the pleading upon him or upon the court's own initiative, at any time the court may order stricken from any pleading any insufficient defense or any redundant, immaterial, impertinent or scandalous matter.

¹⁷ *See* West's F.S.A. RCP Rule 1.140(f). Rice-Lamar v. City of Fort Lauderdale, 853 So. 2d 1125 (Fla. Dist. Ct. App. 2003)

¹⁸ *See* Rule 210(c) of the South Carolina Appellate Court Rules, <https://www.sccourts.org/resources/judicial-community/court-rules/appellate/rule-210/#:~:text=Matter%20contained%20in%20the%20Record,consecutively%20beginning%20with%20the%20index.>

Content. “. . . The Record shall not, however, include matter which was not presented to the lower court or tribunal. . . .”

Furthermore, the ODC does not address matters of civil litigation. This case before this Honorable Court is a civil litigation matter. Therefore, it stands to reason that this item, item #22, must be stricken from the Respondents' Designation of Matter (DOM).

WHEREFORE Appellant, Dr. Lad Santiago prays that this Honorable Court enter an Order striking from the Respondents' Designation of Matter: Final Disposition of Commission on Lawyer Conduct, File No.20-DE-L-0290, which is noted and included as item number 22 within the Respondents' Designation of Matter, and granting such other and further relief as the Court may deem reasonable and just under the circumstances.

Respectfully submitted,

/s/Dr. Lad Santiago

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Pro Se for Appellant

Dated July 7, 2025

**PROOF OF SERVICE OF APPELLANT'S RESPONSE TO
RESPONDENTS' RETURN TO APPELLANT'S MOTION TO STRIKE
SCANDALOUS AND IMPERTINENT REFERENCE**

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

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SC 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.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 7th day of July, 2025, he served counsel for the Respondents with a copy of the Appellant's Response to Respondents' Return to Appellant's Motion to Strike Scandalous and Impertinent Reference in this case by electronic mail to the following: Stephen N. Garcia, Esquire at stephen@scgarcialaw.com.

**LETTER TO THE APPELLATE COURT CLERK FILING NOTICE
APPELLANT'S RESPONSE TO RESPONDENTS' RETURN TO APPELLANT'S
MOTION TO STRIKE SCANDALOUS AND IMPERTINENT REFERENCE**

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

July 7th, 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' Return to Appellant's Motion to Strike Scandalous and Impertinent Reference.

A Certificate of Service to the Respondents' Attorney is being sent electronically, a copy of which is contained herein.

Please confirm filing and receipt. Thank you.

Sincerely,

/s/ Dr. Lad Santiago

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SC Court of Appeals