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Oct 28 2025

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM SPARTANBURG COUNTY

Court of Commons Pleas

J. Derham Cole, Circuit Court Judge

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

Lad Santiago,

Appellant,

v.

Oscar Avila Hernandez, *et. al.*

Respondents.

**RETURN TO APPELLANT'S 3rd MOTION
FOR EXTENSION OF TIME TO FILE FINAL BRIEF**

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Appellant

Attorney for Respondents

COME NOW Respondents, by and through undersigned counsel, and respectfully oppose the Appellant's 3rd Motion for Extension of Time to File the Final Brief and the Reply Brief, pursuant to Rule 263 of the South Carolina Appellate Practice Rules. For the reasons set forth below, Respondents request that this Honorable Court deny the Appellant's motion.

1. The Appellant's motion fails to demonstrate good cause for the requested extension. While the Appellant cites unspecified "new health developments" and "long-lasting, unexpected and extraordinary complications in his health" that allegedly impact his energy and ability to complete tasks, the motion provides no specific details, medical evidence, or documentation to substantiate these claims. Such vague assertions do not meet the standard for an extension under Rule 263, which requires a showing of extraordinary circumstances.
2. Contrary to the Appellant's claims of debilitating health issues, publicly available evidence indicates that the Appellant is fully capable of engaging in sustained, intellectually demanding activities. On August 6, 2025—less than three months prior to the filing of this motion—the Appellant participated in a detailed oral history interview for the Bronx Latinx History Project, available at <https://www.youtube.com/watch?v=hQJ90zpnJdo>. The interview lasts approximately one hour and fifty-five minutes, during which the Appellant speaks at length, coherently, and energetically about his personal history, family background, education, and cultural experiences. Furthermore, on August 13, 2025, he participated in a follow-up interview, available at https://www.youtube.com/watch?v=Y-9xLi0ay_w, lasting approximately one hour and forty-two minutes, where he continues to discuss his educational and professional journey with similar vigor. In both sessions, he demonstrates clear recall of detailed events, maintains a steady pace of speech without apparent fatigue, and shows no

audible or visible signs of health impairments that would prevent him from complying with court deadlines. This recent activity directly contradicts the Appellant's assertion of health-related incapacity and suggests he possesses the energy and focus necessary to finalize and submit his briefs.

3. This is the Appellant's seventh request for an extension within the previous calendar year, indicating a pattern of repeated delays that prejudices the Respondents and undermines the efficient administration of justice. The Appellant has already received multiple extensions, including prior ones related to the Record on Appeal and initial briefs. Granting yet another would reward dilatory conduct and unnecessarily prolong this appeal, which has been pending since 2024.
4. The Appellant acknowledges that he has completed the revised references for his Initial Brief but claims the Reply Brief references remain unfinished. However, given the ample time already provided and the lack of verifiable extraordinary circumstances, no further extension is warranted. The current deadline of October 27, 2025, should be enforced to ensure timely resolution of this matter and no further extension should be granted.

WHEREFORE, Respondents pray for an order from this Honorable Court denying the Appellant's Motion to for Extension, enforcing the original deadline of October 27, 2025, dismissing the Appellant's Appeal, for attorney's fees and costs, 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' in a stylized, cursive font.

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PROOF OF SERVICE

I certify that I have served the Respondents' **Return to Appellant's 3rd Motion for Extension to File Final Brief** on Lad Santiago by depositing a copy of it in the United States Mail, postage prepaid, on **October 28, 2025** addressing to Lad Santiago, 5041 North Blackstock Road, Spartanburg, SC 29303 as well as by email to drladsantiago@gmail.com.



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