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**Nov 03 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 Common Pleas

J. Derham Cole, Circuit Court Judge

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Case No. 2020-CP-42-00055

Appellate Case No. 2024-001239

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Dr. Lad Santiago,

Appellant.

v.

Stephen N. Garcia, as Attorney for

Oscar Avila Hernandez, et.al.,

Respondents.

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**APPELLANT'S REPLY TO RESPONDENTS' ATTORNEY'S RETURN  
TO APPELLANT'S MOTION FOR EXTENSION OF TIME TO FILE  
THE FINAL BRIEF AND THE REPLY BRIEF**

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Pro Se for Appellant

Attorney for Respondents

**NOW COMES**, Appellant, who files his Appellant’s Reply to Respondents’ Attorney’s Return to Appellant’s Motion for Extension of Time to File the Final Brief and The Reply Brief. Appellant has answered each of Respondents’ Attorney’s allegations as noted below.

1. Denied. Contrary to the Respondents’ Attorney’s position that the Appellant’s motion does not demonstrate good cause for an extension of time, the Appellant’s motion does demonstrate good cause for the requested extension of time as there are extraordinary circumstances due to ongoing illness. In fact, the Appellant states, “[t]his Motion for Extension of Time is necessary, as the Appellant has had new health developments that have occurred since the last extension. This is representative of Appellant’s continual endurance of long-lasting, unexpected and extraordinary complications in his health that have directly caused his inability to comply with the current time deadline . . . .” (*See* Appellant’s Mot. for Extension of Time on Oct. 27 2025, ¶ 3)<sup>1,2,3</sup>. Here again, the Respondent’s Attorney has modified the Appellant’s words in his Return of October 28, 2025, by deleting the words “since the last extension” to change its meaning, making it appear to be far more protracted than it actually is; thus, contorting and changing the meaning to serve the Respondents’ Attorneys’ deceptive machinations. This ploy and technique has often been employed by the Respondents’ Attorney to deceive the Honorable Courts. The Appellant does state

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<sup>1</sup> “The applicant or petitioner must demonstrate that the delay in filing was caused by exceptional circumstances beyond their control, such as illness or a family emergency, and the length of the delay is reasonable given the circumstances.” *See* <https://www.boundless.com/immigration-resources/nunc-pro-tunc-requests-explained/#:~:text=USCIS%20may%20approve%20a%20nunc,is%20reasonable%20given%20the%20circumstances>.

<sup>2</sup> **Extraordinary, Definition and Citations:** Out of the ordinary; exceeding the usual, average, or normal measure or degree. <https://thelawdictionary.org/extraordinary/#:~:text=EXTRAORDINARY,Extraordinary%20Diligence>

<sup>3</sup> **Circumstances, Definition and Citations:**

A principal act or event being the object of investigation, the circumstances are the related or accessory facts or occurrences [this would include matters of health] which attend upon it. which closely precede or follow it, which surround and accompany it, which depend upon it, or which support or qualify it Pfaffenbach v. Railroad, 142 Ind. 246, 41 N. E. 530; Clare v. People, 9 Colo. 122. 10 Pac. 799. <https://thelawdictionary.org/circumstances/>

in his Motion of October 27, 2025, pg. 2, in ¶ 3 that there are “new health developments that have occurred since the last extension.” These are “. . . representative of Appellant’s continual endurance of long lasting, unexpected and extraordinary complications in his health [*since the last extension*] (emphasis added) that have directly caused his inability to comply with the current time deadline imposed by the Court . . . .” (*See* Appellant’s Mot. for Extension of Time on Oct. 27 2025, ¶ 3). As such, the quote continues by stating that “[h]is current health issues continue to impact his energy, and as such, it requires a greater length of time for him to complete a given task.” If necessary, the Appellant will provide under seal, directly to this Honorable Court and to members of the judicial panel, if so required, an Affidavit, or specific details, medical evidence or documentation to substantiate his claims. Respondents’ Attorney’s Return further states that “[s]uch vague assertions do not meet the standard for an extension under Rule 263, which requires a showing of extraordinary circumstances.” Nowhere in Rule 263 of The South Carolina Appellate Court Rules is this requirement stated. What Rule 263 actually states is as follows: “**(b) Extending and Diminishing Time Prescribed by These Rules.** The time prescribed by these Rules for performing any act . . . may be extended or shortened by the appellate court, or by any judge or justice thereof.” (*See South Carolina Appellate Court Rules, Rule 263 Time:* <https://www.sccourts.org/resources/judicial-community/court-rules/appellate/rule-263/>).

2. Denied. The Appellant completely refutes the Respondents’ Attorney’s allegation “. . . that the Appellant is fully capable of engaging in sustained, intellectually demanding activities.” To make his case, the Respondents’ Attorney cites an oral history interview recorded on August 6, 2025, and August 13, 2025. He is noting this as a means to persuade this Honorable Court that the Appellant is not suffering from any health conditions or any impairments. Unfortunately, the Respondents’ Attorney is waywardly mistaken and in absolute error as to his conclusions. His

position would be at best, an extreme stretch of his imagination and a contraversion of the truth, and an illogical and hyperbolic attempt to construct a deceptive case.<sup>4</sup> In essence, it's as if he had taken a photograph of a subject, and from it attempts to extrapolate what this subject would be doing the following day, week, and month(s). He has also failed to mention that the third segment of this historical interview was not carried out because the Appellant was not able to perform the interview due to his physical state, but the Respondents' Attorney failed to inquire from the Appellant as to the Appellant's status. Instead, he simply jumped to an unfounded conclusion. It appears that the Respondents' Attorney has attempted to divine what has yet to occur through some form of sorcery. Furthermore, the Respondents' Attorney is not a health care provider (unlike the Appellant who is one), nor is he knowledgeable or trained in matters Physic, Psychology or Psychiatry, allowing him at best, only to surmise and speculate the Appellant's physical and mental state. He has made unfounded and egregious accusations. Therefore, the interviews recorded are not evidence of anything, especially given that they were performed months before the current motion which the Respondents' Attorney admits to. Frankly, the Appellant finds it offensive that the Respondents' Attorney has questioned the Appellant's sincerity and integrity and consequently offers such a preposterous conjecture. Thus, the Respondents' Attorney has prosecuted wrongful and unfounded accusations.<sup>5</sup> The fact is that the Appellant has been extraordinarily incapacitated periodically, partially and completely, and at different unpredictable times, making it impossible to consistently perform the legal tasks in question as these are tasks that require energy, clear

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<sup>4</sup> **RULE 3.3: CANDOR TOWARD THE TRIBUNAL**

(a) A lawyer shall not knowingly:

(1) make a false statement of fact or law to a tribunal or fail to correct a false statement of material fact or law previously made to the tribunal by the lawyer;

(3) offer evidence that the lawyer knows to be false.

<https://www.sccourts.org/resources/judicial-community/court-rules/appellate/rule-407/rule-33/>

<sup>5</sup> **Ibid.**

mental acuity, focus and concentration, which are vastly different than performing an historical interview, especially one that was facilitated through previously determined questions and answers, and is not intellectually tasking and demanding whatsoever.

**3. Denied.** Although the Appellant has requested previous extensions, contrary to the Respondents' Attorney's contention, this does not infer a pattern of repeated delays, as each request is considered independently and on its own merit, solely and separately from the others by the court on an individual basis based on the credible information of each request. The Respondents' Attorney also fails to demonstrate how these extensions and to what degree they have prejudiced the Respondents. The Appellant admits that he has received extensions related to the Record on Appeal, but this was done because of the Respondents' Attorney's failed attempts to seek this Honorable Court's granting of an irrelevant and inappropriate item proposed by the Respondents' Attorney to be included in the Record on Appeal. This frivolous Return and the continued insistence on the Respondents' Attorney's part to perpetuate this baseless postulate has caused an unnecessary protraction of time and the loss of other related resources to the Court. (*See South Carolina Appellate Court Rules, Rule 269, Frivolous Appeals, Petitions, Motions, or Returns.* <https://www.sccourts.org/resources/judicial-community/court-rules/appellate/rule-269/>). The granting of this current motion for an extension of time would in no way cause a dilatory effect or reward it in any way, nor cause a prolongation of the judicial process and appeal, but instead, it would serve to allow for the proper and appropriate administration of justice.

**4. Denied.** Although the Appellant admits that he has completed the revised references for his Initial Brief, revisions of the references to his Reply Brief still require modification and updating. The Appellant denies Respondents' Attorney's contention that there has been ample time and a lack of verifiable and extraordinary circumstances. The fact is that there have been and continue

to be extraordinary significant health issues that continue to affect the Appellant's health, inclusive of the new health developments that have occurred since the last extension. Therefore, an extension of time to complete the revisions of the references to Appellant's Reply Brief and the formatting and printing of the Final Brief (Initial Brief and Reply Brief) is reasonable, appropriate and warranted. Given these extraordinary health issues, the Appellant requests that this extension of time be granted, as these current exacerbations and new health conditions were unanticipated. As was previously mentioned in paragraph 1., heretofore, the Appellant is prepared to submit an affidavit, or, personal and confidential information regarding his health, but to be so executed under seal, which would substantiate his health status on this matter. The amount of time being requested is miniscule considering his prevailing health issues. This would not impact the timely resolution of this legal matter nor cause the Respondents undue burden or prejudice. Therefore, the extension of time should be granted.

### **Conclusion**

It is abundantly obvious that Respondents' Attorney has no cause or grounds to object to the Appellant's Request for an Extension of Time. This Motion does not in any way prejudice the Respondents and does not undermine the efficient administration of justice. On the contrary, the Respondents' Attorney's frivolous Return undermines the Appellant's Motion for an Extension of Time, and likewise, delays the Appellant further by him having to answer the frivolous Return of the Respondents' Attorney.<sup>6</sup> It causes undo stress to the Appellant, which unnecessarily compounds

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<sup>6</sup> **South Carolina Appellate Court Rules, Rule 269: FRIVOLOUS APPEALS, PETITIONS, MOTIONS, OR RETURNS**

Where an appeal, petition, motion or return is frivolous or taken solely for the purposes of delay, or is not in compliance with these Rules, the appellate court may upon its own motion or that of a party, after ten (10) days notice, impose upon offending attorneys or parties such sanctions as the circumstances of the case and discouragement of like conduct in the future may require. This Rule does not apply to any matters where counsel is required by law to pursue an appeal or petition for writ of certiorari even though the matter may be frivolous.

the aggravation to the Appellant's health conditions. It also delays the efficient administration of justice. This Extension of Time will allow for the perfection of the references imposed by this Honorable Court in order to make this instrument presentable to the Court, as per the Rules dictated by the Court. To undermine this endeavor as suggested by the Respondents' Attorney would undermine the Court in its pursuit of justice, especially given this late date in the process where this case is now reaching its final phase; an inappropriate and unjust act that apparently the Respondents' Attorney seeks to achieve. Unfortunately, the Respondents' Attorney is being driven by vindictiveness and malice through abuse of process, with the ultimate intent of concealing issues that would eventually be revealed to the Court as to the wrongdoings and breaches in the Respondents and the Respondents' Attorney's conduct in this legal matter. Furthermore, the Respondents' Attorney is proposing to terminate this Appeal as per his Return that is currently before this Honorable Court, which is in a manner similar to a summary judgment. This is not applicable and absolutely inappropriate given the circumstances. In the interest of fairness and justice, and in order for the entire case to be properly referenced and reviewed by this Honorable Court, the Appellant's request, and this Motion requires the consent of this Honorable Court.

**WHEREFORE**, for the reasons provided heretofore, the Appellant respectfully requests that this Honorable Court grant this extension of time for the Appellant to finalize the Final Brief and Reply Brief, and thus extend the deadline to November 26, 2025, as is previously noted in his Motion of October 27, 2025. Therefore, the Appellant prays for the indulgence of this Honorable Court and an Order denying Respondents' Attorney's Return to Appellant's Motion in its entirety, inclusive

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*South Carolina Appellate Court Rules, Rule 269, Frivolous Appeals, Petitions, Motions, or Returns.*  
<https://www.sccourts.org/resources/judicial-community/court-rules/appellate/rule-269/>.

of denying the Respondents' Attorney's request for a dismissal of the Appellant's Appeal as it is unfounded, without merit and without cause; and to grant to the Appellant his extension of time, and any further relief that the Court deems just and proper.

Respectfully submitted,

/s/ Dr. Lad Santiago

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Dated November 3, 2025

**PROOF OF SERVICE FOR APPELLANT'S REPLY TO RESPONDENTS' ATTORNEY'S  
RETURN TO APPELLANT'S MOTION FOR EXTENSION OF TIME TO FILE  
THE FINAL BRIEF AND THE REPLY BRIEF**

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Oscar Avila Hernandez, et.al.,

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Respondents.

**CERTIFICATE OF SERVICE**

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The undersigned hereby certifies that on this 3<sup>rd</sup> day of November 2025, he served counsel for the Defendants with a copy of the Appellant's Reply to Respondents' Attorney's Return to Appellant's Motion for Extension of Time to File the Final Brief and The Reply Brief 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 REPLY TO RESPONDENTS' ATTORNEY'S RETURN  
TO APPELLANT'S MOTION FOR EXTENSION OF TIME TO FILE  
THE FINAL BRIEF AND THE REPLY BRIEF**

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

November 3, 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:

Enclosed for filing is Appellant's Reply to Respondents' Attorney's Return to Appellant's Motion for Extension of Time to File the Final Brief and The Reply Brief

Also enclosed is Proof of Service of Appellant's Reply to Respondents' Attorney's Return to Appellant's Motion for Extension of Time to File the Final Brief and The Reply Brief served upon the Respondents.

Sincerely,

/s/ Dr. Lad Santiago

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Pro Se for Appellant

cc: Stephen N. Garcia, Esquire  
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Attorney for Respondents

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