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**Dec 22 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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**RETURN TO APPELLANT'S  
MOTION TO STRIKE**

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**Appellant**

**Attorney for Respondents**

**COME NOW** Respondents, by and through undersigned counsel, and respectfully oppose the Appellant's Motion to Strike Respondents' Final Brief Due to Untimely Filing, pursuant to Rule 240 of the South Carolina Appellate Court Rules. For the reasons set forth below, Respondents request that this Honorable Court deny the Appellant's motion in its entirety.

1. Contrary to the Appellant's assertion that Respondents failed to file a Final Brief, Respondents did in fact file their Final Brief on November 25, 2025—prior to the Appellant's filing of his Final Brief and Final Reply Brief on December 1, 2025. The Appellant's claim of non-filing is simply inaccurate and undermines the foundation of his motion.
2. The Appellant has not been prejudiced in any way by the timing of Respondents' filing. Indeed, Respondents' Final Brief was filed first, affording the Appellant the opportunity to review and respond to it before submitting his own briefs. If anything, the sequence of events has worked to the Appellant's advantage, rendering his claims of prejudice not just unfounded but rather dishonest and absurd.
3. The Appellant's repeated requests for extensions—including the third such motion filed on October 27, 2025, which this Court granted on November 5, 2025, extending his deadline to December 2, 2025—effectively tolled the briefing schedule under principles of equity and the South Carolina Appellate Court Rules. Respondents' Return to that motion, filed on October 28, 2025, opposed the extension and sought dismissal of the appeal, further justifying a pause in the deadlines pending the Court's resolution. (*See* Rule 240(b), SCRCR.) Respondents promptly filed their Final Brief on November 25, 2025, within 20 days of the Court's November 5, 2025, order disposing of the motion, in compliance with the spirit of Rule 211(a), SCACR.

4. It is noteworthy that the Appellant has sought and received multiple extensions over the past year (at least seven), while Respondents have requested none. The Appellant has benefited from the Court's indulgence, yet now comically seeks to penalize Respondents for a filing that caused no delay or harm to the proceedings, but more importantly, for a filing that was proper in every aspect.
5. Further, the Appellant's motion is improper, as the decision to strike a brief or dismiss an appeal for untimely filing rests solely within the Court's discretion under Rules 208(a)(4) and 211, SCACR. The Court has already accepted Respondents' Final Brief, indicating no basis for exclusion.
6. As to the Appellant's ancillary complaint regarding "improper corrections" in Respondents' Final Brief, such corrections of which he complains are precisely what Rule 211(b), SCACR, contemplates and permits. The rule allows parties to file final briefs that include updated references to the Record on Appeal and corrections for obvious typographical errors, ensuring accuracy without substantive changes. Respondents' Final Brief complies fully with this provision.

WHEREFORE, Respondents pray for an order from this Honorable Court (1) denying the Appellant's Motion to Strike, (2) for costs and attorney's fees associated with responding to this Motion in consideration of the inequitable nature of the relief Appellant seeks, and (3) 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' written in a cursive, stylized font.

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**Attorney for Respondents**

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**PROOF OF SERVICE**

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I certify that I have served the Respondents' **Return to Appellant's Motion to Strike** on Lad Santiago by depositing a copy of it in the United States Mail, postage prepaid, on **December 22, 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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