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**Jul 06 2022**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM THE ADMINISTRATIVE LAW COURT

Ralph King Anderson, III, Chief Administrative Law Judge

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Appellate Case No. 2017-002598

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ALC Case Nos. 17-ALJ-07-0041-CC; 17-ALJ-07-0042-CC; 17-ALJ-07-0039-CC

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Charles S. Blackmon and South Carolinians for  
Responsible Agricultural Practices, ..... Appellants,

v.

South Carolina Department of Health and Environmental  
Control and David Coggins Broilers, ..... Respondents;

Charles S. Blackmon and South Carolinians for  
Responsible Agricultural Practices, ..... Appellants,

v.

South Carolina Department of Health and Environmental  
Control and Heath Coggins Broilers, ..... Respondents;

Charles S. Blackmon and South Carolinians for  
Responsible Agricultural Practices, ..... Appellants,

v.

South Carolina Department of Health and Environmental  
Control and Jim Young Broilers, ..... Respondents.

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**RESPONDENTS' JOINT MOTION FOR A SECOND EXTENSION OF TIME TO FILE  
PETITION FOR REHEARING**

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Pursuant to Rules 221, 240, and 263 of the South Carolina Appellate Court Rules, Respondents David Coggins Broilers, Heath Coggins Broilers, and Jim Young Broilers (collectively “Broilers”), and South Carolina Department of Health and Environmental Control (“SCDHEC,” and together with Broilers, the “Respondents”) respectfully jointly request a second 30-day extension of time in which to file a petition for rehearing in this matter. In support of this motion, Respondents state as follows:

1. This is an appeal of a Final Order and Decision of the Administrative Law Court (“ALC”) entered on November 30, 2017.
2. Appellants Charles S. Blackmon and South Carolinians for Responsible Agricultural Practices (“Appellants”) filed a notice of appeal on December 29, 2017.
3. After briefing was completed, the Court heard oral argument in this matter on December 9, 2020. On May 25, 2022, the Court issued an opinion reversing the ALC and remanding this case to SCDHEC (the “Opinion”). On June 7, 2022, the Court issued a revised opinion to correct the counsel of record for SCDHEC.
4. Under Rule 221(a), SCACR, the Respondents originally had until June 9, 2022 to file a petition for rehearing in this matter. On June 8, 2022, Respondents filed a motion requesting a 30-day extension of time in which to file such a petition. Respondents’ reason for requesting this extension was that counsel required additional time in which to review and consider the opinion and evaluate whether to file such a petition. By order dated June 13, 2022, the Court granted Respondents’ motion and extended the time for filing a petition for rehearing to July 11, 2022.
5. Counsel for Respondents requires additional time in which to carefully review and consider the Opinion, evaluate the issues that may be the subject of a Petition for Rehearing, discuss

with their respective clients the merits of a prospective petition for rehearing, and consider whether to file same. Counsel for SCDHEC and the Broilers have worked diligently during the initial 30-day extension, but notwithstanding their diligence have been unable to fully complete their reviews and evaluations within the extended time provided for the filing of a petition for rehearing.

6. Rule 263(b), SCACR, permits the Court to extend the time for completing any act required by the Rules.
7. Counsel for Respondents has conferred with counsel for the Appellants in this matter regarding this request, and Appellants consent to this request for a second 30-day extension.

Wherefore, Respondents respectfully move this Court for a second 30-day extension of time, up to and including Wednesday, August 10, 2022, in which to file a petition for rehearing in this matter.

Respectfully submitted,

s/Mitchell Willoughby  
Mitchell Willoughby, S.C. Bar No. 6161  
**WILLOUGHBY & HOEFER, P.A.**  
930 Richland Street (29201)  
P.O. Box 8416  
Columbia, SC 29202-8416  
(803) 252-3300  
mwilloughby@willoughbyhoefer.com

*Attorney for Respondents David Coggins Broilers,  
Heath Coggins Broilers, and Jim Young Broilers*

s/Sara V. Martinez

Stephen Philip Hightower, S.C. Bar No. 72265

Sara V. Martinez, S.C. Bar No. 74822

**SOUTH CAROLINA DEPARTMENT OF  
HEALTH AND ENVIRONMENTAL CONTROL**

2600 Bull Street

Columbia, SC 29201

(803) 898-3350

[hightosp@dhec.sc.gov](mailto:hightosp@dhec.sc.gov)

[martinsv@dhec.sc.gov](mailto:martinsv@dhec.sc.gov)

*Attorneys for Respondent S.C. Department of Health  
and Environmental Control*

Columbia, South Carolina

July 6, 2022

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Responsible Agricultural Practices, ..... Appellants,

v.

South Carolina Department of Health and Environmental  
Control and Jim Young Broilers, ..... Respondents.

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**PROOF OF SERVICE**

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This is to certify that I, a paralegal with the law firm Willoughby & Hoefer, P.A., have caused to be served this day one (1) copy of Respondents' Joint Motion for Second Extension of Time to File Petition for Rehearing via electronic mail at the email addresses reflected in the Attorney Information System and as set forth below:

Robert Guild, Esquire  
Robert Guild, Attorney at Law  
314 Pall Mall Street  
Columbia, SC 29201  
bguild@mindspring.com

Stephen P. Hightower, Esquire  
Sara V. Martinez, Esquire  
South Carolina Department of Health and Environmental Control  
2600 Bull Street  
Columbia, SC 29201  
hightosp@dhec.sc.gov  
martinsv@dhec.sc.gov

A copy of the email serving counsel as stated above is attached hereto.

  
Elizabeth Kurtz

July 6, 2022  
Columbia, South Carolina

**From:** [Elizabeth P. Kurtz](mailto:Elizabeth.P.Kurtz@willoughbyhoefer.com)  
**To:** [bguild@mindspring.com](mailto:bguild@mindspring.com)  
**Cc:** ["hightosp@dhec.sc.gov"](mailto:hightosp@dhec.sc.gov); [Mitchell Willoughby](mailto:MITCHELL.WILLOUGHBY@DHEC.SC.GOV); ["martinsv@dhec.sc.gov"](mailto:martinsv@dhec.sc.gov)  
**Subject:** Charles S. Blackmon v. SCDHEC | Appellate Case No. 2017-002598  
**Date:** Wednesday, July 6, 2022 5:20:00 PM  
**Attachments:** [2022-07-06 Filing Ltr re Respondents' Joint Motion for Second Extension.pdf](#)  
[2022-07-06 POS Joint Motion for Extension.pdf](#)  
[2022-07-06 Joint Motion for Second Extension of Time to File Petition for Rehearing.pdf](#)

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Good afternoon,

Attached for service upon you are the following:

1. Filing letter to the Honorable Jenny Abbott Kitchings;
2. Respondents' Joint Motion for Second Extension of Time to File Petition for Rehearing;  
and
3. Proof of Service (without a copy of this email).

Should you have any difficulty opening any of these documents, please advise us. If you have any questions, do not hesitate to let us know.

Thank you,



Elizabeth P. Kurtz  
Paralegal  
**WILLOUGHBY & HOEFER, P.A.**  
930 Richland Street (29201)  
P.O. Box 8416  
Columbia, SC 29202  
(o) 803.252.3300 | (d) 803. 771.2133  
[ekurtz@willoughbyhoefer.com](mailto:ekurtz@willoughbyhoefer.com)

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# WILLOUGHBY & HOEFER, P.A.

ATTORNEYS & COUNSELORS AT LAW

MITCHELL M. WILLOUGHBY  
JOHN M.S. HOEFER  
RANDOLPH R. LOWELL\*\*  
ELIZABETH ZECK\*  
ELIZABETHANN L. CARROLL  
ANDREW J. D'ANTONI  
R. WALKER HUMPHREY, II\*\*\*  
ANDREW R. HAND\*\*\*\*  
J. JOSEPH OWENS  
MARGARET M. O'SHIELDS

ELIZABETH S. MABRY  
J. PATRICK HUDSON  
OF COUNSEL

JOSEPH H. FARRELL, III  
SPECIAL COUNSEL

July 6, 2022

\*ALSO ADMITTED IN TEXAS

\*\*ALSO ADMITTED IN WASHINGTON, D.C.

\*\*\*ALSO ADMITTED IN CALIFORNIA

\*\*\*\*ALSO ADMITTED IN NORTH CAROLINA

**VIA ELECTRONIC FILING BY EMAIL**

The Honorable Jenny Abbott Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
1220 Senate Street  
Columbia, South Carolina 29201  
ctappfilings@sccourts.org

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**Jul 06 2022**

**SC Court of Appeals**

RE: *Charles S. Blackmon v. SCDHEC*, Appellate Case No. 2017-002598

Dear Ms. Kitchings:

Attached for electronic filing by email in accordance with Supreme Court Order 2022-05-06-03, part (b)(2) and Rule 262, SCACR, and pursuant to Rules 221, 240, and 263, SCACR, Respondents respectfully submit their Joint Motion for Second Extension of Time to File Petition for Rehearing. As permitted by Order 2021-08-25-03, no other copies, whether paper or electronic, are being provided.

By copy of this letter, we are serving counsel for Appellants via email as permitted by Order 2022-05-06-03, part (d)(1), and attached is a proof of service to that effect.

A check in the amount of \$50.00 for the filing fee associated with this motion is being forwarded to your attention via U.S. Mail.

If you have any questions or need additional information, please do not hesitate to contact me.

Very truly yours,

**WILLOUGHBY & HOEFER, P.A.**

  
Mitchell Willoughby

MW/epk  
Attachment

cc: Robert Guild, Esquire  
Stephen P. Hightower, Esquire  
Sara V. Martinez, Esquire

OFFICES:

COLUMBIA | 930 RICHLAND STREET, COLUMBIA, SC 29201 | 803.252.3300 | FAX 803.256.8062

CHARLESTON | 133 RIVER LANDING DRIVE, SUITE 200, CHARLESTON, SC 29492 | 843.619.4426 | FAX 843.619.4490