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Jul 22 2022

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
In the Court of Common Pleas for the Ninth Judicial Circuit

The Honorable Bentley Price, Circuit Court Judge

Appellate Case No. 2022-000038

Clam Farm Partnership, LLC.....Respondent,

v.

The South Carolina Department of Health and Environmental
Control, Office of Ocean and Coastal Resource Management,
Charleston County and The City of Folly Beach..... Defendants

Of which The South Carolina Department of Health and
Environmental Control Office of Ocean and Coastal Resource
Management and The City of Folly Beach are the Appellants

**APPELLANT SOUTH CAROLINA DEPARTMENT OF HEALTH AND
ENVIRONMENTAL CONTROL OFFICE OF OCEAN AND COASTAL RESOURCE
MANAGEMENT’S MOTION FOR EXTENSION OF TIME TO FILE AND SERVE
INITIAL REPLY BRIEF AND DESIGNATION OF MATTER FOR INCLUSION IN THE
RECORD ON APPEAL**

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APPELLANT SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL OFFICE OF OCEAN AND COASTAL RESOURCE MANAGEMENT'S MOTION FOR EXTENSION OF TIME TO FILE AND SERVE INITIAL REPLY BRIEF AND DESIGNATION OF MATTER FOR INCLUSION IN THE RECORD ON APPEAL

AND NOW COMES Appellant The South Carolina Department of Health and Environmental Control Office of Ocean and Coastal Resource Management ("OCRM"), by and through its undersigned counsel, pursuant to Rule 263(b), SCACR, and moves for an extension of ten (10) days' additional time to file and serve its Initial Reply Brief and Designation of Matter for Inclusion in the Record on Appeal.

1. Presently, in accordance with Rule 208(a)(3), the deadline for OCRM's Initial Reply Brief and Designation of Matter for Inclusion in the Record on Appeal is Monday, July 25, 2022.

2. Because of work-related and other time commitments, Appellant OCRM's counsel requires a short extension of time to file and serve its Initial Reply Brief and Designation of Matter for Inclusion in the Record on Appeal.

3. Specifically, Appellant OCRM respectfully requests that the Court extend this deadline by 10 days.

4. Appellant OCRM believes that this relief is consistent with the interests of justice and will not work any undue prejudice upon any party.

5. Counsel for Respondent has graciously consented to the relief requested herein.

WHEREFORE, for all of the foregoing reasons, Appellant The South Carolina Department of Health and Environmental Control Office of Ocean and Coastal Resource Management moves this Honorable Court to grant it an additional extension of 10 days' to file and serve its Initial Reply Brief and Designation of Matter for Inclusion in the Record on Appeal. With the requested extension of time, the new deadline for filing and serving Appellant OCRM's Initial Reply Brief and Designation of Matter for Inclusion in the Record on Appeal will be August 4, 2022. Additionally, Appellant OCRM respectfully requests that the Court hold its present deadline for

the service and filing of its Initial Reply Brief and Designation of Matter for Inclusion in the Record on Appeal in abeyance until it acts upon this Motion.

July 22, 2022

BARNWELL WHALEY PATTERSON &
HELMS, LLC

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PROOF OF SERVICE

I certify that I have served the Motion for Extension of Time to File and Serve Initial Reply Brief and Designation of Matter for Inclusion in the Record on Appeal of Appellant The South Carolina Department of Health and Environmental Control Office of Ocean and Coastal Resource Management on the above-referenced Respondent and all other parties by email, on July 22, 2022, addressed to the following attorneys of record:

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