

RECEIVED
Oct 17 2022
SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM ADMINISTRATIVE LAW COURT
Shirley G. Robinson, Administrative Law Court Judge

Appellate Case No.: 2022-001179

KDP II, LLC Appellant,

v.

South Carolina Department of Health and Environmental Control.....Respondent.

APPELLANT’S MOTION FOR EXTENSION TO FILE INITIAL BRIEF

Pursuant to Rule 240, SCACR, the Appellant KDP II, LLC hereby requests an extension of time in which to serve and file Appellant's Initial Brief and Designation of Matter to be included in the Record on Appeal. The current deadline to file the Initial Brief and Designation of Matter is October 24, 2022, as it was once extended from the original deadline. Appellant requests an extension of thirty days to file the Initial Brief and Designation of Matter, making the new deadline Wednesday, November 23, 2022.

The grounds for this motion are that other impending professional matters and obligations have created a need for additional time to prepare the Initial Brief and Designation of Matter. The undersigned counsel has been preparing for a multi-day hearing next week before the Public Service Commission, completing a brief in an appellate case with the South Carolina Supreme Court, and continuing preparations for an upcoming 3-week trial in federal court. The requested

extension will not prejudice the rights of any of the parties and counsel for Respondent has indicated the Respondent does not oppose this request.

The instant Motion for Extension is made in good faith and is not for the purpose of delay,

/s/ Thomas P. Gressette Jr.

Thomas P. Gressette, Jr. (S.C. Bar #14065)

Email: Gressette@WGLFIRM.com

Direct: 843-727-2249

G. Trenholm Walker. (S.C. Bar #5777)

Email: Walker@WGLFIRM.com

Direct: 843-727-2208

Walker Gressette & Linton, LLC

Mail: PO Box 22167, Charleston, SC 29413

Phone: (843) 727-2200

Facsimile: (843) 727-2238

ATTORNEYS FOR APPELLANT

KDP II, LLC

October 17, 2022

Charleston, South Carolina

RECEIVED

Oct 17 2022

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM ADMINISTRATIVE LAW COURT
Shirley G. Robinson, Administrative Law Court Judge

ALC Docket No. 18-ALJ-07-0047-CC

KDP II, LLC Appellant,

v.

South Carolina Department of Health and Environmental Control.....Respondent.

PROOF OF SERVICE

I certify that I have served **APPELLANT’S MOTION FOR EXTENSION TO FILE INITIAL
REPLY BRIEF** on Respondents via electronic mail on October 17, 2022, addressed to the
attorneys of record:

Sallie P. Phelan phelansp@dhec.sc.gov
Bradley Chrudar churdabd@dhec.sc.gov

/s/ Thomas P. Gressette, Jr.
Thomas P. Gressette, Jr. (S.C. Bar #14065)
ATTORNEYS FOR APPELLANT



G. Trenholm Walker
Thomas P. Gressette, Jr.
John P. Linton, Jr.
Charles P. Summerall, IV
Jennifer S. Ivey
James W. Clement

THOMAS P. GRESSETTE, JR.
Direct: 843.727.2249
Email: Gressette@WGLFIRM.com

October 17, 2022

VIA EMAIL and FEDERAL EXPRESS NO. 8167 0963 9942

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

RECEIVED

Oct 17 2022

SC Court of Appeals

RE: *KDP II, LLC v. S.C. Department of Health and Environmental Control,*
Appellate Case No. 2022-001179

Dear Ms. Kitchings:

Enclosed please find Appellant's Motion for Extension to File Initial Brief and Designation of Matter for the Record on Appeal.

The filing fee of \$50.00 is enclosed with the hard copy of this letter being sent by regular mail.

Thank you in advance for your consideration.

Yours very truly,

A handwritten signature in blue ink, appearing to read "T. Gressette, Jr.", is written over the typed name.

Thomas P. Gressette, Jr.

cc: Sallie Phelan, Esq.
Bradley Churdar, Esq.

Enclosure (as stated)