

**RECEIVED**

**Jan 18 2023**

**SC Court of Appeals**

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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APPEAL FROM THE ADMINISTRATIVE LAW COURT  
Deborah Brooks Durden, Administrative Law Judge

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Appellate Case No.: 2022-001641

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Robert Klomparens and Whitney Klomparens,..... Respondents,

vs.

South Carolina Department of Health and Environmental Control,..... Appellant,

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MOTION FOR EXTENSION

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TO: THE HONORABLE JENNY ABBOTT KITCHINGS AND ALL PARTIES:

PLEASE TAKE NOTICE that, pursuant to Rule 263, SCACR, Appellant South Carolina Department of Health and Environmental Control (“SCDHEC” or “the Department”) respectfully requests a sixty (60) day extension of time to file Appellant’s Initial Brief and Designation of Matter, making the Department’s deadline for filing its Initial Brief and Designation of Matter March 22, 2023.

This extension is requested due to the Appellant’s counsel’s workload. Specifically, Counsel has a 3-day trial scheduled before the South Carolina Administrative Law Court February 14-16. Numerous expert witness depositions and fact witness depositions are scheduled over several days the last week of January and the first week of February. More depositions will be scheduled before the trial starts on February 14, 2023.

In addition to the above-referenced 3-day trial, Appellant's counsel has another trial scheduled before the South Carolina Administrative Law Court on February 27, 2023. Depositions in that case will be taken during February as well.

Furthermore, Appellant's counsel had a third trial scheduled before the South Carolina Administrative Law Court on February 1, 2023. On January 11, 2023, the parties reached a settlement agreement in this matter. However, a significant amount of Appellant's counsel's time was devoted to resolving that case that could have been dedicated to brief writing. As such, counsel has not had adequate time to prepare the Appellant's Initial Brief and Designation of Matter in this matter.

Opposing counsel has consented to this extension request.

WHEREFORE, Appellant SCDHEC respectfully moves this Court for an Order extending the time for filing the Appellant's Initial Brief and Designation of Matter until March 22, 2023.



Bradley D. Churdar, SC Bar # 12829  
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Environmental Control  
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PROOF OF SERVICE

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I hereby certify that on this date I served the foregoing Appellant's Motion for Extension upon all attorneys of record via electronic delivery addressed as follows:

Mary D. Shahid, Esquire  
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Post Office Box 486  
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Bradley D. Churdar

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Charleston, South Carolina



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**Via email to [ctappfilings@sccourts.org](mailto:ctappfilings@sccourts.org)**

The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

Re: *Robert Klomparens and Whitney Klomparens v. SCDHEC*  
Appellate Case No. 2022-001641

Dear Ms. Kitchings:

Please find enclosed for filing a Motion for Extension of Time of 60 days in which to file the Appellant's Initial Brief and Designation of Matter in the above-referenced matter. This is SCDHEC's second request for an extension for the filing of these documents. Opposing counsel consents to this extension.

The current due date for these documents is January 20, 2023. Accordingly, with the requested 60-day extension, the Appellant's Initial Brief and Designation of Matter would be due on March 22, 2023.

Thank you very much for your kind consideration. Of course, please feel free to contact me if you have any questions or comments.

***Please address all correspondence in this matter to my attention at 1362 McMillan Avenue, Suite 400, Charleston, South Carolina, 29405 and/or [churdabd@dhec.sc.gov](mailto:churdabd@dhec.sc.gov).***

Very truly yours,

A handwritten signature in blue ink that reads "Brad Churdar".

Bradley D. Churdar  
Associate General Counsel

BDC/jhd

Enclosures

cc: Mary D. Shahid, Esquire