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Feb 13 2023

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM THE ADMINISTRATIVE LAW COURT
S. Phillip Lenski, Administrative Law Judge

Docket No. 22-ALJ-07-0008-CC
Appellate Case No. 2022-001126

Gullah/Geechee Fishing Association, Inc.,Appellant,

vs.

South Carolina Department of Health and Environmental Control, and
Bay Point Island, LLC,Respondents.

**THIRD MOTION FOR EXTENSION OF TIME FOR FILING
APPELLANT’S REPLY BRIEF**

TO: ALL PARTIES AND THE COURT OF APPEALS:

PLEASE TAKE NOTICE that the Appellant, Gullah/Geechee Fishing Association, Inc., respectfully moves the Court of Appeals for an extension of time for filing its reply brief. The reply brief is due on Monday February 13, 2023, and Appellant seeks an extension of ten days until Thursday, February 23, 2023. This is the third extension request.

Undersigned counsel is cognizant of the Court’s instruction relating to seeking a third extension; however, counsel submits there are extenuating circumstances warranting this extension. Undersigned counsel’s spouse was diagnosed with a terminal illness in late November and has had to take time to address medical issues surrounding that diagnosis. Undersigned counsel had arranged for Amy E. Armstrong to assist Emily Nellermoe with reviewing and finalizing Appellant’s Reply Brief, but is unable to due to a last-minute medical procedure. For these reasons,

counsel has been unable to commit the necessary time needed to adequately prepare the reply brief in this matter, and undersigned submits that the requested 10-day extension is necessary. Undersigned counsel assures the Court that the Reply Brief will be filed without any other extension requests.

Counsel for Appellant has consulted with counsel for Respondents. Counsel for Respondent Bay Point Island, LLC consents to the requested extension. Counsel for Respondent SCDHEC is out of the office until February 14, 2023 and therefore has not provided a response.

WHEREFORE, the Appellant requests that this Court issue an Order extending the time to file its initial brief and designation of matter until Thursday, February 23, 2023.

s/ Leslie S. Lenhardt
Leslie S. Lenhardt, Esq.
Emily Nellerhoe, Esq.
S.C. ENVIRONMENTAL LAW PROJECT
510 Live Oak Drive
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Attorneys for Appellants

Charleston, S.C.
February 13, 2023

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PROOF OF SERVICE

I hereby certify that on this date I served Appellant’s Third Motion for Extension of Time to File Appellant’s Reply Brief on all parties by emailing a copy of same on February 13, 2023, to the Attorney Information System provided email addresses below, via attached e-mail:

Mary D. Shahid, Esq.
mshahid@nexsenpruet.com

Sara V. Martinez. Esq.
martinsv@dhec.sc.gov

s/ Leslie S. Lenhardt
Leslie S. Lenhardt

February 13, 2023



**SOUTH CAROLINA
ENVIRONMENTAL
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February 13, 2023

VIA US MAIL & E-MAIL

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

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SC Court of Appeals

Re: Third Motion for Extension for Reply Brief
Gullah/Geechee Fishing Association v. SCDHEC & Bay Point Island, LLC
Case No. 2022-001126

Dear Ms. Kitchings:

Please find attached Appellant's Third Motion for Extension to File Appellant's Reply Brief and am including the filing fee. I am serving all parties via the addresses in the electronic filing system. Thank you very much for your kind consideration.

Respectfully,

Leslie S. Lenhardt
Staff Attorney

Attachments

cc: Sara V. Martinez, Esq.
Mary D. Shahid, Esq.

Our Mission To protect the natural environment of South Carolina by providing legal services and advice to environmental organizations and concerned citizens and by improving the state's system of environmental regulation.