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Feb 17 2023

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Robert L. Reibold, Administrative Law Judge

Docket No. 22-ALJ-07-0082-CC
Appellate Case No. 2022-001402

Coastal Conservation League, Appellant,

vs.

South Carolina Department of Health and Environmental Control,
Price and Carolyn Sloan, Mark and Anne Tiberio, Michael and
Laura Schulte, and Northwest Properties of Hickory, LLC..... Respondents.

**THIRD MOTION FOR EXTENSION OF TIME FOR FILING
INITIAL BRIEF AND DESIGNATION OF MATTER**

TO: ALL PARTIES AND THE COURT OF APPEALS:

PLEASE TAKE NOTICE that the Appellant, Coastal Conservation League, respectfully moves the Court of Appeals for an extension of time for filing its initial brief and designation of matter. The initial brief and designation are due on Friday, February 17, 2023, and Appellant seeks an extension of thirty (30) days until Monday, March 20, 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 Nellerhoe with reviewing and finalizing the Initial 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 30-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, all of whom consent to the requested extension.

WHEREFORE, the Appellant requests that this Court issue an Order extending the time to file its initial brief and designation of matter until Monday, March 20, 2023.

s/ Leslie S. Lenhardt
Leslie S. Lenhardt, Esq.
Emily Nellerhoe, Esq.
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Attorneys for Appellants

February 17, 2023
Charleston, S.C.

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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. 2022-001402

Coastal Conservation League, Appellant,

vs.

South Carolina Department of Health and Environmental Control,
Price and Carolyn Sloan, Mark and Anne Tiberio, Michael and
Laura Schulte, and Northwest Properties of Hickory, LLC..... Respondents.

PROOF OF SERVICE

I hereby certify that on this date, I served the foregoing Motion for Second Extension of Time for Filing Initial Brief upon the Respondents’ attorneys of record via electronic delivery to the email addresses reflected in the AIS system as follows:

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February 17, 2023



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February 17, 2023

VIA U.S. MAIL AND EMAIL

Hon. Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211
ctappfilings@sccourts.org

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Feb 17 2023
SC Court of Appeals

RE: Request for Third Extension of Time, Appellant's Initial Brief
Coastal Conservation League v. SCDHEC, et al.
Case No. 2022-001402

Dear Madame Clerk:

Enclosed for the Court's consideration, please find Appellant's Third Motion for Extension of Time for filing Appellant's Initial Brief and Designation of Matter. By copy of this letter, I am serving all parties as reflected on the enclosed Proof of Service. Counsel for Respondents have consented to this second extension. I have also enclosed the filing fee.

Thank you very much for your assistance and kind consideration.

Respectfully,

Leslie S. Lenhardt
Senior Managing Attorney

Enclosures

CC: Joseph Owens, Esq.
Stephen Goldfinch, Esq.
Bradley Churdar, 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.