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SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM THE 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.

**CONSENT MOTION FOR SECOND EXTENSION OF TIME
FOR FILING OF APPELLANT’S INITIAL REPLY BRIEF**

PLEASE TAKE NOTICE that the Appellant, KDP II, LLC (“KDP”), with the consent of the Respondent, South Carolina Department of Health and Environmental Control (“DHEC”), as indicated by counsel’s signature below, hereby moves this Court to extend the time for filing of KDP’s Initial Reply Brief.

Respondent’s Initial Brief was filed February 21, 2022. The original deadline to file Appellant’s Initial Reply Brief and Designation of Matter was March 3, 2023, which was extended 10 days to the current deadline of March 13, 2023. Appellant now seeks an extension of 10 additional days, until March 23, 2023.

Anticipating the time necessary to devote to preparing the Initial Reply Brief, counsel for Appellant has determined it is necessary to seek this extension. The grounds for this Motion are that other impending professional matters and obligations have created a need for additional time to prepare the Initial Reply Brief and Designation of Matter. Since the initial extension request,

several new deadlines have been imposed upon multiple clients and Appellant's counsel simply needs more time to complete all the necessary work. Deadlines and schedules in other matters have been extended and/or arranged. Accordingly, counsel anticipates that if the deadline herein requested is granted, there should not be a need for additional extension(s) of this deadline.

Appellant's counsel understands this additional request is not routine, but affirms the circumstances warrant the requested relief and that the requested extension will not prejudice the rights of any of the parties.

WHEREFORE, with consent of the Respondent, Appellant asks that this Court grant an extension of ten additional days to file the Appellant's Initial Reply Brief and Designation of Matter, making the new deadline March 23, 2023.

Respectfully submitted,

/s/ Thomas P. Gressette Jr.
Thomas P. Gressette, Jr. (S.C. Bar #14065)
Email: Gressette@WGLFIRM.com
WALKER GRESSETTE & LINTON, LLC
P.O. Box 22167
Charleston, SC 29413
(843) 727-2200 telephone
(843) 727-2238 facsimile

March 3, 2023

ATTORNEYS FOR APPELLANT

WE COINSENT:

/s/ Sallie P. Phelan
Sallie P. Phelan
ASSISTANT GENERAL COUNSEL
Direct: (843) 953-0229
Email: phelansp@dhec.sc.gov
1362 McMillan Avenue, Suite 400
Charleston, SC 29405

March 3, 2023

ATTORNEYS FOR RESPONDENT

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STATE OF SOUTH CAROLINA
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APPEAL FROM ADMINISTRATIVE LAW COURT
Shirley G. Robinson, Administrative Law Court Judge

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KDP II, LLC Appellant,

v.

South Carolina Department of Health and Environmental Control Respondent.

PROOF OF SERVICE

I certify that I have served the **Consent Motion For Second Extension of Time For Filing of Appellant’s Initial Reply Brief** by electronic mail on March 3, 2023, addressed to the attorneys of record:

Sallie P. Phelan (SC Bar No. 14150)
(phelansp@dhec.sc.gov)
Bradley D. Churdar (SC Bar No. 12829)
(churdabd@dhec.gov)
South Carolina Department of Health & Environmental Control
1362 McMillan Avenue, Suite 400
Charleston, SC 29405

Denise Musso

Denise Musso,
Paralegal



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

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VIA EMAIL and FEDERAL EXPRESS NO. 817929753817

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

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

Dear Ms. Kitchings:

Enclosed for filing on behalf of the Appellant please find Appellant's Consent Motion for Second Extension of Time for Filing of Appellant's Initial Reply Brief.

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 be "T. Gressette", is written over the typed name.

Thomas P. Gressette, Jr.

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

Enclosure (as stated)