

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM THE ADMINISTRATIVE LAW COURT
Ralph King Anderson, III, Administrative Law Judge

Appellate Case No. 2023-000006

Friends of Gadsden Creek,

Appellant,

vs.

South Carolina Department of Health and Environmental Control and WestEdge Foundation,
Inc.,

Respondents,

APPELLANT'S MOTION FOR AN EXTENSION OF TIME

Pursuant to Rule 240, SCACR, appellant Friends of Gadsden Creek ("FOGC") moves for an extension of time within which to file and serve appellant's Initial Reply Brief and any additional Designation of Matter to be included in the Record on Appeal ("Designation of Matter"). FOGC requests an extension of ten days to file its Initial Reply Brief and Designation of Matter which are currently due April 13, 2023. Under Appellate Court Rule 263(a) the deadline extended by ten days would be April 23, 2023, which is a Sunday, and would be extended to April 24, 2023. FOGC received one extension of time to file its Initial Brief and Designation of Matter and has not received any other extension or any extension concerning its Initial Reply. The grounds for this motion are that one counsel for FOGC will undergo inpatient surgery next Wednesday and the other will be out of state next week until returning Thursday evening. Meanwhile, other impending professional matters and obligations have also created a need for additional time to prepare the Initial Brief and any additional Designation of Matter. A

ten day delay will not prejudice the rights of any of the parties. Counsel has conferred with counsel for Respondents and there is no objection to this request for an extension. For these reasons, FOGC requests an extension of the deadline for filing and serving the Initial Reply Brief and any additional Designation of Matter to on or before April 24, 2023.

Respectfully submitted,

s/Benjamin D. Cunningham

Benjamin D. Cunningham

Lauren Megill Milton

SOUTH CAROLINA ENVIRONMENTAL LAW
PROJECT

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Mount Pleasant, South Carolina
April 6, 2023

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM THE ADMINISTRATIVE LAW COURT
Ralph King Anderson, III, Chief Administrative Law Judge

Docket No. 21-ALJ-07-0433-CC

Friends of Gadsden Creek,Appellant,

vs.

South Carolina Department of Health and Environmental Control and
WestEdge Foundation, Inc.,Respondents.

CERTIFICATE OF SERVICE

I hereby certify that on this date I served the foregoing Appellant’s Motion for an Extension regarding its Initial Reply Brief and additional Designation of Matter upon counsel for Respondents by electronic email and U.S. Mail with notification distributed to the following:

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April 6, 2023

s/ Benjamin D. Cunningham
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April 6, 2023

The Honorable Jenny Abbott Kitchings
Clerk, S.C. Court of Appeals
P.O. Box 11629
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Apr 06 2023

SC Court of Appeals


Re: Friends of Gadsden Creek v. South Carolina Department of Health &
Environmental Control and WestEdge Foundation, Inc.
Appellate Case No. 2023-000006

Dear Ms. Kitchings:

Enclosed please find Appellant's Motion for an Extension of time regarding its Initial Reply Brief. Enclosed is a check for fifty dollars (\$50.00) for the filing fee for this request, which is the first request for an extension of time to file the Initial Reply Brief.

Thank you for your kind consideration and assistance with this matter.

Yours very truly,


Benjamin D. Cunningham

cc: Bradley D. Churdar Esq.
Sara V. Martinez, Esq.
Bennett W. Smith, Esq.
Mary D. Shahid, Esq.
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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.