

NOTICE OF APPEAL IN A CIVIL CASE

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

98056  
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APR 17 2023

APPEAL FROM SOUTH CAROLINA ADMINISTRATIVE LAW COURT

SC Court of Appeals

Milton G. Kimpson, Judge  
Docket No. 21-ALJ-07-0144-CC

APPELLATE CASE NO. 2023-000441

South Carolina DHEC, Carla Varn DuPre, and Jasper Varn III Respondents

v.

Stephen Mueller, Pro Se

Appellant

MOTION TO DISREGARD RESPONDENT'S REQUEST TO DISMISS AN APPEAL IN CIVIL COURT

The final order of the ALC was supposedly served upon me, the Appellant, on June 7, 2022, although I did not receive it until e-mailed to me months later by Anthony Goldman of the ALC. The ALC has submitted no proof that (I) the Appellant in fact received the order on June 7.

In response, the Appellant moved the Court to reconsider based upon SCR 60(b)(1) and (2). The motion is required to be submitted "in a reasonable time and not more than 1 year from the order. The Appellant submitted the motion on Dec. 13, 2022 with compelling evidence that the order was wrong and new evidence had been obtained. The ALC arbitrarily chose not to re-open the case under SCR 60(b)(1)(2).

Appellant subsequently submitted a timely Notice of Appeal to the SC Court of Appeals. As the document was not submitted in the precise form required by the Court the Appellant subsequently re-submitted the documents in the correct form.

Now the Respondents want my Appeal dismissed because it was less than 24 hours over a deadline. My argument for the Court to accept the Appeal is as follows.

Under Rule 260, the Court can upon good cause reinstate the case at its discretion. The correspondence regarding deficiencies was received by USPS mail on March 21, four days after the notification. This gave the Appellant 6 days not 10 days to respond. The Appellant was away from the address of record and had an associate prepare the corrected documents. My associate failed to submit them timely and I submitted them immediately upon my return. I also question if the time to respond was arbitrary or is in a statute?

Lastly I beg the Court that the ALC's decision was seriously flawed, and I have submitted compelling evidence as such. Many people have spent many hours of time and significant financial costs have accrued and for the Court of Appeals to dismiss this case would be unjust.

This case will be very significant for the future of coastline development in the State of South Carolina and must be resolved according to Law. The SCDHEC has been negligent in this case and is nit abiding by Law. In fact reforms in the permitting process are being discussed at this time. I believe if you agree to hear the case it will be obvious that the decision was faulty.

I respectfully request that the Court accept my Appeal.

March 30, 2023

Stephen Mueller, Pro Se  
407 Palmetto Blvd.  
Edisto Beach, SC 29438

cc  
Other Counsel of Record:  
Bradley Churdar, SCDHEC  
Mary Shahid, Counsel for Respondents  
Anthony Goldman, ALC

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PROOF OF SERVICE OF A NOTICE OF APPEAL APR 17 2023

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

SC Court of Appeals

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MOTION TO DISREGARD RESPONDENTS REQUEST TO DISMISS THE APPELLANTS  
APPEAL

Milton G. Kimpson, Judge  
Docket No. 21-ALJ-07-0144-CC

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Appellate Case No. 2023-000441

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South Carolina DHEC, Carla Varn DuPre, and Jasper Varn III

Respondents

v.

Stephen Mueller, Pro Se

Appellant

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PROOF OF SERVICE

I, Stephen Mueller, the Appellant in the referenced action certify that I have served upon the SC Court of Appeals and the other counsel of record a motion to disregard the respondent's request to dismiss my Appeal from the Court in the referenced action Case No. 2023-000441.

March 30, 2023

Stephen Mueller, Pro Se  
407 Palmetto Blvd.  
Edisto Beach, SC 29438

Other Counsel of Record  
Bradley Churdar, SCDHEC  
Mary Shahid, Counsel for Respondents  
SCALC, Anthony Goldman

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SC Court of Appeals  
1220 Senate St.  
Columbia, SC 29201

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SC Court of Appeals

Att JA Kitchings, Clerk 29201-376999

