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**Apr 28 2023**

**SC Court of Appeals**

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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

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

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Gullah/Geechee Fishing Association, Inc., .....Appellant,

vs.

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

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**MOTION FOR LEAVE TO FILE RECORD ON APPEAL OUT OF TIME**

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TO: ALL PARTIES AND THE COURT OF APPEALS:

PLEASE TAKE NOTICE that the Appellants hereby move the Court of Appeals for leave to file the Record on Appeal in this case out of time. The Record on Appeal was due on April 26, 2023.

The undersigned has had a personal family medical issue that, along with the departure of co-counsel in this case, caused the undersigned to let the deadline for filing the Record on Appeal lapse. Undersigned counsel takes full responsibility for failing to file on the Court's deadline.

WHEREFORE, the Appellant requests that this Court issue an order granting leave to file the Record on Appeal out of time. The Record on Appeal is being submitted for filing along with this motion.

/s/ Leslie S. Lenhardt

Leslie S. Lenhardt  
SOUTH CAROLINA ENVIRONMENTAL  
LAW PROJECT

Mailing address: Post Office Box 1380  
Pawleys Island, SC 29585

Telephone (843) 527-0078  
FAX (843) 527-0540

Attorney for the Appellants

Mount Pleasant, South Carolina

April 28, 2023

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**PROOF OF SERVICE**

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I hereby certify that on this date I served Appellant’s Motion to File Record on Appeal Out of Time on all parties by emailing a copy of same on April 28, 2023, to the Attorney Information System provided email addresses below, via attached e-mail:

Mary D. Shahid, Esq.  
[mshahid@nexsenpruet.com](mailto:mshahid@nexsenpruet.com)

Sara V. Martinez. Esq.  
[martinsv@dhec.sc.gov](mailto:martinsv@dhec.sc.gov)

s/ Leslie S. Lenhardt  
Leslie S. Lenhardt

April 28, 2023



**SOUTH CAROLINA  
ENVIRONMENTAL  
LAW PROJECT**

*Lawyers for the Wild Side*

PO Box 1380, Pawleys Island, SC 29585 | (843) 527-0078 |  
www.scelp.org

*Executive Director & General Counsel*  
Amy E. Armstrong | amy@scelp.org

*Special Counsel*  
Michael G. Corley | michael@scelp.org

*Staff Attorneys*  
Benjamin D. Cunningham | ben@scelp.org  
Leslie S. Lenhardt | leslie@scelp.org  
Michael G. Martinez | mike@scelp.org  
Lauren Megill Milton | lauren@scelp.org  
Emily M. Nellerhoe | emily@scelp.org

April 28, 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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**Apr 28 2023**  
**SC Court of Appeals**

Re: Motion to File Record on Appeal Out of Time  
Gullah/Geechee Fishing Association v. SCDHEC & Bay Point Island, LLC  
Case No. 2022-001126

Dear Ms. Kitchings:

Please find attached Appellant's Motion to File the Record on Appeal Out of Time 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

Enclosures

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.*