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May 31 2023

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Edward R. Miller, Circuit Court Judge

Appellate Case No. 2023-000144
Case No. 2022-CP-23-03356

Citizens for Quality Rural Living, Inc.,

Appellant,

v.

LyonJay and the Greenville County Planning Commission,

Respondents.

MOTION FOR EXTENSION TO FILE APPELLANT'S REPLY BRIEF

TO: ALL PARTIES AND THE COURT OF APPEALS:

PLEASE TAKE NOTICE that the Appellant, Citizens for Quality Rural Living, Inc., respectfully moves the Court of Appeals for an extension of time for filing its Reply Brief. The Reply Brief is due on Thursday, June 1, 2023, and Appellant seeks an extension of ten (10) days until Monday, June 12, 2023. This is the first extension request.

Undersigned counsel requests this extension for multiple reasons, including the departure of co-counsel from her firm and a family funeral that she had to attend out of state.

Counsel for Appellant has consulted with counsel for Respondents. Counsel for Respondents do not object to this motion.

WHEREFORE, the Appellant requests that this Court issue an Order extending the time to file the Reply Brief of Appellant until Monday, June 12, 2023.

s/ Leslie S. Lenhardt _____
Leslie S. Lenhardt, Esq.
S.C. ENVIRONMENTAL LAW PROJECT
510 Live Oak Drive
Mount Pleasant, S.C. 29464
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Attorney for Appellant

Charleston, S.C.
May 31, 2023

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PROOF OF SERVICE

I, the undersigned, attorney for Appellant Citizens for Quality Rural Living Inc., do certify that I have this date, May 31, 2023, served the Motion for Extension to file Reply Brief, by personally serving the same pursuant to Section (d)(1) of the Supreme Court's Order dated May 6, 2022, on the following counsel of record using the primary email addresses listed in the Attorney Information System:

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Attorney for Appellant

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May 31, 2023

Motion for Extension, Citizens for Quality Rural Living v. LyonJay & GCPC - River Preserve Appeal - Respondent Planning Commission

From: [Leslie Lenhardt <leslie@scelp.org>](mailto:leslie@scelp.org)
To: [Swent, William B. <WSwent@foxrothschild.com>](mailto:WSwent@foxrothschild.com), [Andrew N. Price <anprice@wjcblaw.com>](mailto:anprice@wjcblaw.com)
Cc: [William A. Neinast <WNeinast@foxrothschild.com>](mailto:WNeinast@foxrothschild.com), [Anne R. Culbreath <arculbreath@wjcblaw.com>](mailto:arculbreath@wjcblaw.com), [R. Taylor Speer <TSpeer@foxrothschild.com>](mailto:TSpeer@foxrothschild.com), [Michael Martinez <mike@scelp.org>](mailto:mike@scelp.org)
Subject: Motion for Extension, Citizens for Quality Rural Living v. LyonJay & GCPC - River Preserve Appeal - Respondent Planning Commission
Date: Wednesday, May 31, 2023 1:41 PM
Size: 353 KB

Counsel,

Please find attached for service a Motion for Extension in the above-referenced matter.

Leslie

—

Leslie Lenhardt
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Phone: (843) 527-0078
leslie@scelp.org

On Wed, May 31, 2023, at 12:55 PM, Swent, William B. wrote:

Granted.

I take this further opportunity to point out—as I have in various other instances of delay—that time is of the essence to my client. The stay that has been imposed by virtue of this appeal has precluded my client from acquiring the subject property. During the pendency of the appeal interest rates have escalated substantially and deposits have been forfeited, such that my client has suffered significant losses on account of the mere passage of time. I concede the request for added time because it seems futile to oppose, yet my client fully intends to pursue the losses caused by the appeal and exacerbated by two requests for more time. This email is a further effort to mitigate by emphasizing that added time leads to added damages.

William Swent
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From: Leslie Lenhardt <leslie@scelp.org>
Sent: May 31, 2023 12:37 PM
To: Swent, William B. <WSwent@foxrothschild.com>; Andrew N. Price <anprice@wjcblaw.com>; Court Of Appeals Filings <ctappfilings@sccourts.org>
Cc: Neinast, William A. <WNeinast@foxrothschild.com>; Anne R. Culbreath <arculbreath@wjcblaw.com>; Speer, R. Taylor <TSpeer@foxrothschild.com>; Michael Martinez <mike@scelp.org>



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May 31, 2023

RECEIVED
May 31 2023
SC Court of Appeals

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RE: *Citizens for Quality Rural Living, Inc. v. LyonJay and Greenville County Planning Commission*, Appellate Case No. 2023-000144

Dear Ms. Kitchings:

Please find enclosed the filing fee for undersigned counsel's Motion for Extension to File Reply Brief, which was filed electronically via email on May 31, 2023, sent to ctappfilings@sccourts.org.

Thank you for your time and assistance with this matter. Please do not hesitate to contact me with any questions or concerns.

Sincerely,

s/ Leslie Lenhardt

Leslie Lenhardt
Senior Managing Attorney

enclosure
cc: Other Counsel of Record

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.