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Jun 16 2023

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM THE ADMINISTRATIVE LAW COURT
Deborah Brooks Durden, Administrative Law Judge

Appellate Case No.: 2022-001641

Robert Klomparens and Whitney Klomparens, Respondents,

vs.

South Carolina Department of Health and Environmental Control, Appellant,

MOTION TO HOLD IN ABEYANCE THE DEPARTMENT'S DEADLINE
FOR FILING APPELLANT'S INITIAL REPLY BRIEF AND
SUPPLEMENTAL DESIGNATION OF MATTER

TO: THE HONORABLE JENNY ABBOTT KITCHINGS AND ALL PARTIES:

PLEASE TAKE NOTICE that, pursuant to Rule 263, SCACR, Appellant South Carolina Department of Health and Environmental Control (“SCDHEC” or “the Department”) submitted an extension request letter yesterday (June 15, 2023) requesting a 2-week extension of time from the existing June 16, 2023 deadline to file the *Appellant's Initial Reply Brief and Supplemental Designation of Matter*. However, the Department’s counsel has requested from Respondent’s counsel additional references to the trial transcript and references to other evidence in the *Respondent’s Initial Brief* per Rule 208(b)(4), SCACR. The Department’s June 15, 2023 extension request asked that the 2-week extension begin upon receipt of the *Respondents’ Initial Brief* with their added citations. However, the Department does not know when to expect receipt of the *Respondents’ Initial Brief* with the additional trial transcript citations, document references, etc.

Consequently, the Department moves this Court to hold the Department's proposed 2-week extended deadline in abeyance until receipt of the *Respondents' Initial Brief* with added citations.

This extension is also requested in part, due to the Appellant counsel's workload. Specifically, counsel has a *Respondent's Initial Brief* due before this Court on June 21, 2023; trials scheduled before the South Carolina Administrative Law Court on June 27, 2023 and July 19, 2023 along with numerous 30(b)(6) depositions scheduled over the next few weeks and a proposed ALC *Final Order* due on July 13, 2023. As such, even if the above-referenced Rule 208(b)(4), SCACR issue did not exist, counsel has not had adequate time to prepare the *Appellant's Initial Reply Brief* and *Supplemental Designation of Matter* in this case.

Opposing counsel has consented to this extension request.

WHEREFORE, Appellant SCDHEC respectfully moves this Court for an Order holding the Department's proposed 2-week extended deadline in abeyance until the Department receives the *Respondents' Initial Brief* with additional trial transcript citations, document references, etc.

s/Bradley D. Churdar

Bradley D. Churdar, SC Bar # 12829

South Carolina Department of Health and
Environmental Control

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PROOF OF SERVICE

I hereby certify that on this date I served the foregoing Appellant's *Motion to Hold in Abeyance the Department's Deadline for Filing Appellant's Initial Reply Brief and Supplemental Designation of Matter* upon all attorneys of record via electronic delivery addressed as follows:

Mary D. Shahid, Esquire (via email to MShahid@maynardnexsen.com)
Lica Colwell, Esquire (via email to acolwell@maynardnexsen.com)

s/Bradley D. Churdar
Bradley D. Churdar

June 16, 2023
Charleston, South Carolina



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SC Court of Appeals

June 16, 2023

Via email to ctappfilings@sccourts.org

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

Re: *Robert Klomparens and Whitney Klomparens v. SCDHEC*
Appellate Case No. 2022-001641

Dear Ms. Kitchings:

Please find enclosed for filing SCDHEC's *Motion to Hold in Abeyance the Department's Deadline for filing Appellant's Initial Reply Brief and Supplemental Designation of Matter* in the above-referenced case. Thank you.

Please address all correspondence in this matter to my attention at 1362 McMillan Avenue, Suite 400, Charleston, South Carolina, 29405 and/or churdabd@dhec.sc.gov.

Very truly yours,

s/Bradley D. Churdar
Bradley D. Churdar
Associate General Counsel

BDC/jhd

Enclosure

cc: Mary D. Shahid, Esquire
Lica Colwell, Esquire