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Jul 24 2023

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

The Honorable Deborah Brooks Durden, Administrative Law Judge

Appellate Case No. 2022-001641
ALC Case No. 21-ALJ-07-0310-CC

Robert Klomparens and Whitney Klomparens Respondents,
v.
South Carolina Department of Health and
Environmental Control, Appellant.

MOTION REQUESTING LEAVE TO SUBMIT AN AMENDED BRIEF

TO: THE HONORABLE JENNY ABBOT KITCHINGS AND ALL PARTIES:

NOW COME RESPONDENTS, Robert Klomparens and Whitney Klomparens, pursuant to Rule 263(b), SCACR, requesting leave to submit an Amended Initial Brief for consideration. On or about June 16, 2023, Appellant filed a Motion to Hold in Abeyance the Department’s Deadline for Filing Appellant’s Initial Reply Brief and Supplemental Designation of Matter, in which Appellant explained its request from Respondent’s counsel additional references to the trial transcript and references to other evidence. Respondent’s counsel consented to making the requested amendments, and on June 26, 2023 filed an amended initial brief. However, the amended brief was not accompanied by a motion requesting leave to submit the brief or the required filing fee.

Respondent's counsel subsequently received an Order issued by this Court on July 11, 2023 stating that a motion for leave and filing fee must be filed to complete conditional acceptance of Respondents' Amended Brief.

Respondent's counsel misread the Order and has not complied with the ten-day deadline provided within the Order to complete the filing.

Respondent's counsel has consulted with Appellant's counsel about the deadline. Appellant's counsel will not object to the filing of this motion at this time.

WHEREFORE, Respondents respectfully request this Court to accept this motion for leave to submit the Amended Initial Brief filed on June 26, 2023. A check for the filing fee is accompanying this request.



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Attorneys for Respondents
Robert and Whitney Klomprens

July 24, 2023
Charleston, South Carolina

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SC Court of Appeals

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

ROBERT KLOMPARENS AND WHITNEY

Petitioner,

v.

SOUTH CAROLINA DEPARTMENT OF
HEALTH AND ENVIRONMENTAL
CONTROL,

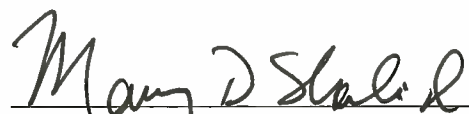
Respondents.

CERTIFICATE OF SERVICE

TO THE RESPONDENT(S) ABOVE NAMED:

I, Mary D. Shahid, Esq., of Maynard Nexsen, LLC, do hereby certify that copies of the filed Petitioners' Motion for Leave to Submit an Amended Brief were served upon the following parties of record and/or their counsel by placing the same in the United States mail, first class postage prepaid, addressed as shown below, this the 24 day of July, 2023, at Charleston, South Carolina.

Bradley D. Churdar, Esq.
SC Department of Health and
Environmental Control
1362 McMillan Ave, Suite 400
Charleston, SC 29404



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SC Court of Appeals

Mary D. Shahid
Shareholder
Admitted in SC

July 25, 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
ALC Case No. 21-AJL-07-0310-CC
Appellate Case No.: 2022-001641

Dear Ms. Kitchings,

Please find enclosed for filing the Respondents Robert Klomparens' and Whitney Klomparens' Motion Requesting Leave to Submit an Amended Brief. Please note that I filed the Amended Brief prematurely and your office contacted me requesting that I correct the omission with the property Motion. The Motion includes a Certificate of Service. By copy hereof, I am serving all interested parties of these filings.

Very truly yours,

Mary D. Shahid

MDS/amc

Enclosures

cc: Bradley D. Churdar, Associate General Counsel (via email to
Churdabd@dhec.sc.gov)

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