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SC Court of Appeals

October 23, 2023

**Via email to [ctappfilings@sccourts.org](mailto:ctappfilings@sccourts.org)**

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

Re: *South Carolina Coastal Conservation League v. South Carolina Department of Health and Environmental Control & DeBordieu Colony Community Association*

Appellate Case No. 2021-000158

\*AND\*

*KDP II, LLC v. SCDHEC*

Appellate Case No.: 2022-001179

\*AND\*

*Ex Parte: Coastal Conservation League, Appellant, in re KDP, II, LLC, Respondent v. SCDHEC, Respondent*

Appellate Case No. 2020-001090

Dear Ms. Kitchings:

I am writing to respond to your request for scheduling conflicts contained in letters dated October 11, 2023 in the three above-referenced cases. Please be advised that I am counsel on all three of these cases and I have conflicts on February 8 and 9 as I am attending a CLE. I am available for the other proposed dates during the February 2024 term of court (February 5, 6, 13, 14 and 15). I also would respectfully request that both *South Carolina Coastal Conservation League v. South Carolina Department of Health and Environmental Control & DeBordieu Colony Community Association*, Appellate Case No. 2021-000158 and *KDP II, LLC v. SCDHEC*, Appellate Case No.: 2022-001179 not both be scheduled for the February 2024 term of court as these cases were complex, multi-day trials involving highly technical issues, and it would be very difficult to be adequately prepared to argue both. (This is the first time the *KDP II, LLC v. SCDHEC*, Appellate Case No.: 2022-001179, has appeared on the preliminary list for argument.)

***Please address all correspondence in this matter to my attention at 1362 McMillan Avenue, Suite 400, Charleston, South Carolina, 29405 and/or [phelansp@dhec.sc.gov](mailto:phelansp@dhec.sc.gov).***

Thank you for your attention in this matter.

Cordially,

*Sallie P. Phelan*

Sallie P. Phelan  
Assistant General Counsel

SPP/jhd

cc: Leslie S. Lenhardt, Esquire (via email to [leslie@scelp.org](mailto:leslie@scelp.org))  
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