

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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Apr 25 2024

APPEAL FROM THE ADMINISTRATIVE LAW COURT
Shirley C. Robinson, Administrative Law Judge

SC Court of Appeals

Docket No. 18-ALJ-07-0047-CC
Appellate Case No. 2020-001090

Ex Parte: South Carolina Conservation LeagueAppellant,

In Re:

KDP, II, LLC, Respondent,Respondent,

v.

South Carolina Department of Health and Environmental ControlRespondent.

and also in

APPEAL FROM ADMINISTRATIVE LAW COURT
Shirley G. Robinson, Administrative Law Court Judge

Appellate Case No. 2022-001179

KDP II, LLCAppellant,

v.

South Carolina Department of Health and Environmental Control,Respondent.

JOINT MOTION FOR CONTINUANCE

TO: THE COURT OF APPEALS:

PLEASE TAKE NOTICE that the parties hereby jointly move the Court of Appeals for an order continuing the oral argument in these cases. The above-captioned cases are scheduled for oral argument on May 15, 2023. This motion involves a unique set of circumstances due to the separate appeals being factually linked.

Appellate Case No. 2020-001090, Ex Parte Coastal Conservation League, involves the denial of Appellant Coastal Conservation League's motion to intervene in an Administrative Law Court contested case. The final order in that contested case was appealed by Appellant KDP II, LLC and that appeal is the subject of Appellate Case No. 2022-001179, KDP II, LLC v. DHEC. Because both appellate cases were scheduled for oral argument (one followed by the other) on May 15, 2024, counsel for the parties presume the Court wishes to hear and consider these arguments concurrently.

Appellant Coastal Conservation League seeks a continuance of the oral argument because both counsel for the League have personal family issues, including a recent death in Ms. Armstrong's family and the diagnosis of Ms. Lenhardt's spouse with a terminal illness, which is preventing proper preparation for oral argument. Other counsel of record kindly consent to this request, and further request continuance of the arguments on the merits of the Administrative Law Court's order, based on counsel's presumption the Court wishes to hear the arguments together and in the interest of judicial economy.

WHEREFORE, the parties request that the arguments scheduled for May 15 in the above-captioned appeals be rescheduled.

/s/ Leslie S. Lenhardt

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April 25, 2024
Charleston, SC

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April 25, 2024
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