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Aug 15 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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

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 OF ORAL ARGUMENTS
SCHEDULED FOR SEPTEMBER 10, 2024**

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 September 10, 2024. 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 are scheduled for oral argument (one followed by the other) on September 10, 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 lead counsel for the League has personal family issues in the diagnosis of Ms. Lenhardt's spouse with a terminal illness, which has progressed and has required her taking leave. Ms. Lenhardt's co-counsel, along with other members of the South Carolina Environmental Law Project, have had to make arrangements to handle Ms. Lenhardt's work responsibilities during this time.

Other counsel of record consent and join the request for continuance, and further suggest 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.

WHEREFORE, the parties request that the arguments scheduled for September 10, 2024, in the above-captioned appeals be rescheduled.

/s. Leslie S. Lenhardt

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August 15, 2024
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