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SC Court of Appeals

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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Appeal from the Administrative Law Court

The Honorable Ralph King Anderson, III  
Administrative Law Judge

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Appellate Case No. 2023-001351

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Blue Ridge Environmental Defense League, Appellant,

v.

South Carolina Department of Health and Environmental Control  
and Dominion Energy, Respondents.

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**RESPONDENTS' JOINT MOTION FOR EXTENSION OF TIME  
TO FILE INITIAL BRIEFS**

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Pursuant to Rule 240, SCACR, the undersigned counsel for Respondent South Carolina Department of Health and Environmental Control (“SCDHEC” or “Department”)<sup>1</sup> respectfully submit this joint request with Respondent Dominion Energy for a fifteen (15) day extension of time to file the Respondents’ Initial Briefs.

Counsel for Respondent Dominion Energy has been consulted and has authorized filing of this Motion as a joint motion. In addition, counsel for Appellant has been consulted and has consented to the requested extension. The current deadline for filing Respondents’ Initial Briefs is

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<sup>1</sup> Counsel for the Respondent have moved to substitute the South Carolina Department of Environmental Services as the named Respondent in this matter, in place of the now-abolished SCDHEC. As this Motion is currently pending, counsel refer here to SCDHEC as the named Respondent.

Tuesday, September 3, 2024. The new deadline if this Motion is granted will be Wednesday, September 18, 2024.

This Motion is based on the significant length of the Initial Brief filed by the Appellant, which is forty-five (45) pages long and presents a number of arguments requiring a thorough and detailed response by the Respondents. It is also based on personal obligations of the undersigned counsel falling shortly before the current filing deadline. The additional time requested will allow Respondents to better prepare Initial Briefs that will aid the Court's review of this matter.

The undersigned respectfully request that the Court hold all deadlines in abeyance until an order has been issued on this Motion.

/s/ Bennett W. Smith

Bennett W. Smith, SC Bar No. 102894

Sara V. Martinez, SC Bar No. 74822

Christopher P. Whitehead, SC Bar No. 100264

South Carolina Department of  
Environmental Services

– f/k/a –

South Carolina Department of  
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*Attorneys for Respondent SCDHEC*

September 3, 2024

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APPEAL FROM THE ADMINISTRATIVE LAW COURT

The Honorable Ralph King Anderson, III  
Administrative Law Judge

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Appellate Case No. 2023-001351

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BLUE RIDGE ENVIRONMENTAL DEFENSE LEAGUE, APPELLANT,

V.

SOUTH CAROLINA DEPARTMENT OF HEALTH AND  
ENVIRONMENTAL CONTROL AND DOMINION ENERGY, RESPONDENTS.

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**PROOF OF SERVICE**

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I, the undersigned, certify that I have served the Respondents' Joint Motion for Extension of Time to File Initial Briefs via electronic mail on Counsel for Respondent Dominion Energy, Elizabeth B. Partlow, Esq., at her AIS-designated email address ([beth@partlowlaw.com](mailto:beth@partlowlaw.com)) and Brooks M. Smith, Esq., at his designated email address ([brooks.smith@troutman.com](mailto:brooks.smith@troutman.com)), and Counsel for Appellant Blue Ridge Environmental Defense League, Stephen A. Spitz, Esq., ([stephenspitz994@gmail.com](mailto:stephenspitz994@gmail.com)), and Jesse Sanchez, Esq., ([jesse@jessesanchezlaw.com](mailto:jesse@jessesanchezlaw.com)), at their respective AIS-designated email addresses on September 3, 2024.

[Signature Page Follows]

Respectfully Submitted,

/s/ Bennett W. Smith

Bennett Smith

Assistant General Counsel

S.C. Bar No. 102894

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South Carolina Department of

Environmental Services

2600 Bull Street

Columbia, South Carolina 29201

September 3, 2024



September 3, 2024

**Via E-mail (ctappfilings@sccourts.org)**

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

Re: Blue Ridge Environmental Defense League v. SCDHEC and Dominion Energy  
Appellate Case No. 2023-001351

Dear Ms. Kitchings:

Please find the following documents attached via email for filing with the Court:

- 1. Respondents' Joint Motion for Extension of Time to File Initial Briefs; and**
- 2. Proof of Service (via email).**

Thank you for your assistance with this matter. Please freely contact me with any questions or concerns.

Sincerely,

/s/ Bennett W. Smith  
Assistant General Counsel  
South Carolina Department of  
Environmental Services

Email copies: Jesse Sanchez, Esq.  
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