

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from South Carolina Administrative Law Court

Shirley C. Robinson, Administrative Law Court Judge

Case No. 12-ALJ-07-0050-CC

70011
70012

James R. Maul,

Appellant,

v.

South Carolina Department of Health and,
Environmental Control and David Abdo,

Respondents,

v.

Russell Schaible and Laura Schaible,

Respondents.

APPELLANT'S MOTION FOR CLARIFICATION
AS TO BRIEFING DEADLINE AND, IF NECESSARY,
FOR LEAVE TO MOVE OUT OF TIME FOR AN EXTENSION OF TIME TO
FILE/SERVE INITIAL BRIEF OF APPELLANT,
WITH MOTION FOR SUCH EXTENSION

YOUNG CLEMENT RIVERS, LLP
Michael A. Molony
P.O. Box 993
Charleston, South Carolina 29402
(843) 724-6631
Attorney for the Appellant

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SC Court of Appeals

TO: THE HONORABLE JUDGES OF THE SOUTH CAROLINA COURT OF APPEALS

COMES NOW the Appellant, James R. Maull, and hereby moves this Honorable Court for relief as follows.

1. On August 30, 2013, the Appellant timely filed/served his notice of appeal in this matter.

2. In this appeal, a transcript of the lower court proceeding, with exhibits, is needed and, on September 6, 2013, within the 10-day time period set forth in Rule 207(a)(1), SCACR, the Appellant wrote the court reporter ordering a copy of the transcript (with copies to the Court, South Carolina Court Administration, and all Respondents/their counsel of record).

3. It now appears to the undersigned that the aforementioned September 6, 2013 transcript order was unnecessary because the undersigned's office had received a copy of the transcript previously.

4. Rule 208(a)(1), SCACR, provides that the Appellant's initial brief (and, pursuant to Rule 209(a), SCACR, corresponding designation of matter to be included in the record on appeal) is due within thirty (30) days after receipt of the transcript or, if no transcript is ordered, within thirty (30) days after serving the notice of appeal.

5. Because, in this instance, the transcript, without exhibits, was already in possession of the Appellant's counsel when the Appellant's notice of appeal was served, the undersigned is concerned that the time for the Appellant's initial brief/designation of matter may be deemed to begin to run on the date of service of the notice of appeal, i.e., August 30, 2013, and would have expired on September 30, 2013.

6. Under the circumstances, the Appellant would ask this Court to clarify the

deadline for filing/serving the Appellant's initial brief/designation of matter and, to the extent necessary, grant the Appellant leave to request, out of time, an extension of time to file/serve his initial brief/designation of matter, which request is contained herein. In this regard, the undersigned would state that any confusion/inadvertence regarding the need to order the transcript on September 6, 2013 was in good faith and that the undersigned has endeavored to promptly bring this matter to the Court's attention upon awareness of the same. Moreover, on account of work-related and other time commitments, an extension of thirty days' time to file/serve the Appellant's initial brief/designation of matter would be of considerable benefit to the Appellant's counsel, and, counsel submits, the grant of such time is in the interests of justice and will work no undue prejudice upon any other party.

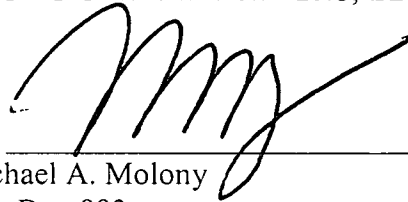
WHEREFORE, the Appellant moves this Honorable Court to clarify the present deadline for his initial brief/designation of matter and, to the extent necessary, allow the Appellant to move out of time to extend the deadline for the Appellant's initial brief/designation, and to so extend the deadline for the Appellant's initial brief/designation of matter by thirty (30) days from today through November 6, 2013.¹ Lastly, to the extent that the Appellant's briefing deadline has not already expired, the Appellant would ask that the Court hold such deadline in abeyance until it acts upon the instant motion.

<SIGNED ON THE FOLLOWING PAGE>

¹ To the extent that this request may constitute multiple motions, the Appellant has submitted two (2) \$25 checks herewith as filing fees.

Respectfully submitted,

YOUNG CLEMENT RIVERS, LLP



By: _____

Michael A. Molony

P.O. Box 993

Charleston, South Carolina 29402

(843) 724-6631

Attorney for the Appellant

Charleston, South Carolina

Dated: October 7, 2013

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PROOF OF SERVICE

YOUNG CLEMENT RIVERS, LLP
Michael A. Molony
P.O. Box 993
Charleston, South Carolina 29402
(843) 724-6631
Attorney for the Appellant

I, Russell G. Hines, of Young Clement Rivers, LLP, counsel for the Appellant above named, do hereby certify that I have served the **Appellant's Motion for Clarification as to Briefing Deadline and, if necessary, for Leave to Move Out of Time for an Extension of Time to File/Serve Initial Brief of Appellant, with Motion for Such Extension** on the above-named Respondents by depositing a copy of the same in the United States Mail, postage prepaid, on October 7, 2013, addressed as follows to the Respondent's counsels of record:

Leslie S. Riley, Esquire
McNair Law Firm, P.A.
100 Calhoun Street
Suite 400
Charleston, SC 29401

Nathan M. Haber, Esquire
South Carolina Department of Health and Environmental Control- OCRM
1362 McMillan Ave. - Suite 400
Charleston, SC 29405

David Abdo
Pro Se
29 Broughton Rd.
Charleston, SC 29407

YOUNG CLEMENT RIVERS, LLP

By: 
Russell G. Hines

Charleston, South Carolina

Dated: 10/7/13