

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM THE ADMINISTRATIVE LAW COURT
John D. McLeod, Administrative Law Judge

Case No. 08-ALC-07-0221-CC
Appellate Case No. 2009-135686

70176

Deerfield Plantation Phase IIB Property Owners Association Appellant,

vs.

South Carolina Department of Health and Environmental Control,
Deertrack Golf, Inc., and Bill Clark Homes of Myrtle Beach, LLC Respondents.

**MOTION FOR EXTENSION OF TIME
FOR FILING INITIAL BRIEF AND
DESIGNATION OF MATTER**

RECEIVED
OCT 23 2013

SC Court of Appeals

TO: ALL PARTIES AND THE COURT OF APPEALS:

PLEASE TAKE NOTICE that the Appellant hereby moves the Court of Appeals for an Order extending its time for filing an Initial Brief beyond the current deadline of October 21, 2013. The Appellant requests an extension of thirty (30) days and a stay of the briefing schedule pending resolution of this motion. The basis of this motion is as follows:

This appeal has a complicated procedural history before the Court. Initially this appeal was stayed pending resolution of a related federal action and completion of any necessary additional administrative action. During that stay, and on motion of the Appellant, the appeal was remanded to DHEC for additional administrative action. On May 17, 2013, on the understanding

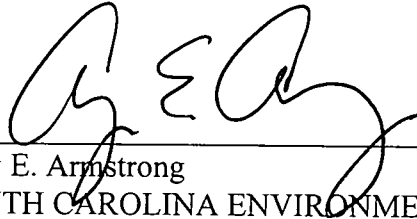
that the permit at issue in this appeal had been withdrawn through Respondent's inaction on remand, the Court dismissed this appeal as Moot. Following competing petitions for rehearing, the Court eventually reinstated this appeal through Order of September 20, 2013.

Thereafter, the Appellant considered filing another petition for rehearing, supporting the Court's initial decision to dismiss this appeal as moot. On the eve of filing that petition, the parties conducted a telephone conference on the most effective and efficient manner for resolving this permit challenge, Appellants determined to pursue this appeal in its current form. In short, only within the last couple of weeks did it become clear that briefing would proceed in this appeal.

Working on that short time-frame, the Appellant is briefing from a record that has been sitting dormant for a number of years. The trial of this case predates two-of-the-three lawyers in undersigned firm, and this initial brief requires much more record review and preparation time than a comparable appeal without the procedural complications.

For these reasons, the Appellant respectfully requests a 30-day extension of the deadline for filing its Initial Brief and Designation of Matter, as well as a stay of the briefing schedule pending resolution of this motion. Counsel for Appellant has consulted with counsel for Respondent DHEC and is informed that DHEC consents to this request. Counsel for Appellant has been unable to contact counsel for Respondent Deertrack Golf, Inc.

Respectfully submitted,



Amy E. Armstrong
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PROJECT

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Phase IIB Property Owners Association

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October 21, 2013

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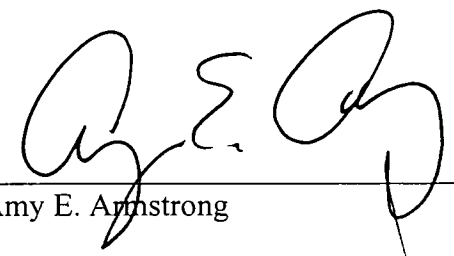
South Carolina Department of Health and Environmental Control,
Deertrack Golf, Inc., and Bill Clark Homes of Myrtle Beach, LLC Respondents.

CERTIFICATE OF SERVICE

I hereby certify that on this date I served the foregoing Motion for Extension of Time for Filing Initial Brief and Designation of Matter upon counsel for the Respondents, by placing copies of same in the United State Mail, addressed to:

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October 21, 2013

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