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Oct 16 2025

SC Court of Appeals

STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Ralph King Anderson, III, Chief Administrative Law Judge

ALC Docket No.: 24-ALJ-07-0367-CC
Appellate Case No.: 2025-000288

Walter Buchanon,

Appellant,

v.

South Carolina Department of Environmental Services and
Silfab Solar, Inc.

Respondents.

RESPONDENT MOTION FOR EXTENSION

Pursuant to Rules 240 and 263 of the South Carolina Appellate Court Rules, Respondent South Carolina Department of Environmental Services (“Department”) requests a five-day extension of the deadline to file and serve its final brief. This motion assumes a preexisting deadline of October 16, 2025. If this motion is granted, the new deadline would be October 21, 2025.

This is the Department’s first request for an extension with respect to this deadline. This extension is sought due to delays and uncertainty associated with service of the record of appeal. Under this Court’s Amended Order issued September 10, 2025, service of the record on appeal was to occur by September 27, 2025. In this case, Appellant filed a record on appeal with the

Court on September 26, 2025, without previously having served on Respondents a copy of the record. As recounted in Appellant's October 9, 2025, letter filed with the Court, the record on appeal originally filed contained errors in need of correction. Appellant worked with Respondents to correct these errors and requested by letter to replace the previously filed record with an amended record on appeal. Both Respondents (the Department and Silfab Solar, Inc.) emailed their approval for amending the record on appeal. It is the Department's understanding, on information and belief, that the Amended Record on Appeal was submitted for filing and served by overnight mail on October 15, 2025, to arrive on October 16, 2025, the date of this motion.

Based on these events, the Department is in need of additional time to update record citations in its final brief and prepare it for filing. The Department does not request this extension for the impermissible purpose of delay. The Department has consulted with counsel for both Appellant and Respondent Silfab Solar. By email, Silfab Solar's counsel has stated its consent and Appellant's counsel has stated no objection to this motion.

Respectfully submitted,

/s/Dawn K. Miller

Dawn K. Miller, S.C. Bar No. 80133
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Attorneys for Respondent SCDES

October 16, 2025

STATE OF SOUTH CAROLINA
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CERTIFICATE OF SERVICE

I, Dawn K. Miller, attorney for the South Carolina Department of Environmental Services, hereby certify that I have on this 16th day of October, 2025, served the Department's October 16, 2025, *Motion for Extension* upon all parties via e-mail sent by the undersigned to the primary AIS e-mail address for counsel of record, as follows:

J. Cameron Halford, Esq. cam@halfordlaw.net Halford Law Firm, LLC P.O. Box 172 Barnwell, SC 29812 Attorney for Appellant	Ethan R. Ware, Esq. eware@williamsmullen.com Ryan W. Trail, Esq. rtrail@williamsmullen.com Richard H. Willis, Esq. rwillis@williamsmullen.com John G. Tamasitis, Esq. jtamasitis@williamsmullen.com
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	<p>William D. Kuriger, Esq. wkuriger@williamsmullen.com</p> <p>Williams Mullen Law Firm 1230 Main Street, Suite 330 Columbia, South Carolina 29201</p> <p>Attorneys for Respondent Silfab Solar</p>
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s/ Dawn K. Miller
Dawn K. Miller
Assistant General Counsel
South Carolina Department of
Environmental Services
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Columbia, SC 29201
Tel: (803) 898-3360
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October 16, 2025
Columbia, South Carolina



Buchanon v. SCDES & Silfab - Respondent SCDES Motion for Extension of Time - Appellate Case No.: 2025-000288

From Dawn K. Miller <Dawn.Miller@des.sc.gov>

Date Thu 10/16/2025 3:07 PM

To Cam@halfordlaw.net <cam@halfordlaw.net>; Tamasitis, John <jtamasitis@williamsmullen.com>

Cc Bennett W. Smith <Bennett.Smith@des.sc.gov>; Joanni Long <joanni@halfordlaw.net>; Trail, Ryan <rtrail@williamsmullen.com>; rwillis <rwillis@williamsmullen.com>; Kuriger, Bill <wkuriger@williamsmullen.com>; eware@williamsmullen.com <eware@williamsmullen.com>; Tyer, Sara <styer@williamsmullen.com>

 1 attachment (110 KB)

Motion for Extension for Final Brief.pdf;

Good afternoon,

Attached please find Respondent SCDES's Motion for Extension in the above matter. We will be filing this motion with the Court of Appeals shortly.

Thank you,

Dawn Miller
Assistant General Counsel
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SC DEPARTMENT of
**ENVIRONMENTAL
SERVICES**

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October 16, 2025

VIA EMAIL: ctappfilings@sccourts.org

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

Re: Walter Buchanan v. South Carolina Department of Environmental Services and
Silfab Solar, Inc., Appellate Case No.: 2025-000288

Dear Madam Clerk:

Please find enclosed Respondent South Carolina Department of Environmental Services' **Motion for Extension** and accompanying **Certificate of Service** for filing in the above-referenced matter.

Thank you for your assistance. Please contact our office should you have questions or need additional information.

Sincerely,

/s/ Dawn K. Miller
Dawn K. Miller
Assistant General Counsel

Enclosures

cc: J. Cameron Halford, Esquire (cam@halfordlaw.net)
Ethan. R. Ware, Esquire (eware@williamsmullen.com)
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