

**THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS**

Appeal from Charleston County
Court of Common Pleas

Mikell R. Scarborough, Master-In-Equity

Appellate Case No. 2025-000636
Circuit Court Case No. 2024-CP-10-01327

The Vanderham Family Living Trust, Villa Las Palmas, LLC,
Scout Beach House, LLC, Amy Oakes, MMH Property Holding, LLC and
Black Ice Venture, II,

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Oct 27 2025
SC Court of Appeals

Appellants,

v.

City of Isle of Palms and
South Carolina Department of Environmental Services,

Respondents.

**RESPONDENT SOUTH CAROLINA DEPARTMENT OF ENVIRONMENTAL
SERVICES' MOTION FOR LEAVE TO MOVE OUT OF TIME TO EXTEND THE
TIME TO FILE/SERVE ITS INITIAL BRIEF**

CLEMENT RIVERS, LLP
Brian L. Quisenberry (SC Bar No. 73637)
Russell G. Hines (SC Bar No. 72100)
25 Calhoun Street, Suite 400
Charleston, South Carolina 29401
P.O. Box 993 (29402)
(843) 720-5488

*Attorneys for Respondent South Carolina
Department of Environmental Services*

NOW COMES Respondent South Carolina Department of Environmental Services (“DES”), by and through its undersigned counsel, and, on the grounds set forth below, hereby moves this Honorable Court (a) to grant it leave to file/serve the within motion to extend the time for filing/serving its initial brief out of time and (b) to grant it an extension of 10 days’ time to file/serve its initial brief.

This is an appeal by Appellants of the master-in-equity’s grant of summary judgment in favor of Respondent City of Isle of Palms (“IOP”). Appellants filed/served their initial brief on July 7, 2025. IOP filed/served its initial brief on October 9, 2025. Candidly, until receiving the Court’s letter of October 15, 2025, directing DES to serve and file a respondent’s initial brief, along with a motion requesting permission to serve and file the brief out of time, DES did not realize that it would be allowed to submit a respondent’s brief in this matter. DES would like to be heard in the matter, but due to other time commitments (work-related and otherwise), it is in need of a modest amount of additional time to prepare its initial brief, and DES respectfully submits that the extension requested herein is in the interests of justice and will not unduly prejudice any other parties.

Wherefore, the undersigned hereby moves this Honorable Court to grant DES leave to file/serve the within motion to extend the time for filing/serving its initial brief out of time and to grant DES a 10-day extension of time (from today’s date) to serve and file its initial respondent’s brief and corresponding designation of matter to be included in the record on appeal. With the extension requested herein, the deadline for DES to serve and file its initial brief and designation would be November 6, 2025, according to the undersigned’s calculations. Moreover, the undersigned asks that the Court hold DES’s initial brief deadline in abeyance until it rules upon the foregoing requests for relief.

Respectfully submitted,
CLEMENT RIVERS, LLP

By: s/Russell G. Hines
Brian L. Quisenberry (SC Bar No. 73637)
Russell G. Hines (SC Bar No. 72100)
25 Calhoun Street, Suite 400
Charleston, South Carolina 29401
P.O. Box 993 (29402)
(843) 720-5488

*Attorneys for Respondent South Carolina
Department of Environmental Services*

Charleston, South Carolina

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The Vanderham Family Living Trust, Villa Las Palmas, LLC,
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PROOF OF SERVICE

CLEMENT RIVERS, LLP
Brian L. Quisenberry (SC Bar No. 73637)
Russell G. Hines (SC Bar No. 72100)
25 Calhoun Street, Suite 400
Charleston, South Carolina 29401
P.O. Box 993 (29402)

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I, Russell G. Hines, of Clement Rivers, LLP, attorneys for Respondent South Carolina Department of Environmental Services, hereby certify that **RESPONDENT SOUTH CAROLINA DEPARTMENT OF ENVIRONMENTAL SERVICES' MOTION FOR LEAVE TO MOVE OUT OF TIME TO EXTEND THE TIME TO FILE/SERVE ITS INITIAL BRIEF** was served on all other counsel of record on October 27, 2025, by emailing (see attached email) a copy of the same to his counsel of record:

FINKEL LAW FIRM, LLC
Gerry M. Finkel, Esquire
jfinkel@finkellaw.com
Harry L. Goldberg, Esquire
hgoldberg@finkellaw.com
Charles A. Krawczyk, Esquire
charley@cak-law.com

Attorney for Appellants

Rachel Ferguson, Esquire
rbailey@charlestonlaw.edu
Attorney for Appellants

HIRE QUEST, LLC
Timothy L. Calderwood, Esquire
timcalderwood1@gmail.com

Attorney for Appellants

MORGAN & MORGAN
Johnny J. Stewart, Jr., Esquire
johnny.stewart@forthepeople.com

Attorney for Appellants

HAYNSWORTH SINKLER BOYD, PA
Stafford McQuillin, III, Esquire
mmcquillin@hsblawfirm.com
Sarah Spruill, Esquire
sspruill@hsblawfirm.com

Attorneys for Respondent City of Isle of Palms

SCDHEC
Bradley Churdar, Esquire
bradley.churdar@des.sc.gov
Sallie Phelan, Esquire
sallie.phelan@des.sc.gov

Attorneys for Respondent South Carolina Department of Environmental Services

Respectfully submitted,
CLEMENT RIVERS, LLP

By: *s/Russell G. Hines*
Russell G. Hines (SC Bar No. 72100)
*Attorneys for Respondent South Carolina
Department of Environmental Services*

Charleston, South Carolina

October 27, 2025

Bell, Pollyana (Polly)

From: Bell, Pollyana (Polly)
Sent: Monday, October 27, 2025 1:59 PM
To: 'jfinkel@finkellaw.com'; 'hgoldberg@finkellaw.com'; 'charley@cak-law.com';
'rbailey@charlestonlaw.edu'; 'timcalderwood1@gmail.com';
'johnny.stewart@forthepeople.com'; McQuillin, Mac; 'sspruill@hsblawfirm.com';
'bradley.churdar@des.sc.gov'; 'sallie.phelan@des.sc.gov'
Cc: Hines, Russell; Quisenberry, Brian; Justman, Aimee; Justman, Barbara
Subject: The Vanderham Family Living Trust v. City of Isle of Palms; Appellate Case No.
2025-000636 (CR 240295)
Attachments: SC DES Mot. for Leave to Move Out of Time to Extend the Time to File Initial Brief.pdf

Enclosed please find Respondent South Carolina Department of Environmental Services' Motion for Leave to Move out of Time to Extend the Time to File/Serve its Initial Brief for service upon you in the above-referenced matter.

Thank you,

Pollyana Bell

Legal Secretary to Stephen L. Brown,
Russell G. Hines, Stephen A. Griffith, Jr.
Commercial Litigation Practice Group
Phone:(843)720-5488 | Fax:(843)579-1369



CLEMENT RIVERS, LLP
25 Calhoun Street • Suite 400 • Charleston, SC 29401
ycrlaw.com

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