
THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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Dec 12 2025

SC Court of Appeals

Appeal from the
South Carolina Procurement Review Panel
Willie D. Franks, Chairman
Case. No. 2025-2

Appellate Case No. 2025-002212

Carolina Advanced Digital, Inc. Appellant,

v.

South Carolina Department of Corrections Respondent.

**CONSENT MOTION TO SET
BRIEFING SCHEDULE**

CONSENT MOTION TO SET BRIEFING SCHEDULE

Appellant Carolina Advanced Digital, Inc. (“CAD”) respectfully moves this Court for an order setting a briefing schedule. Because the administrative tribunal appealed from cannot locate a copy of the recording of the relevant hearing, which was not transcribed, CAD is uncertain when its deadline to file its initial brief will begin to run. Appellee South Carolian Department of Corrections (“Appellee”) and the Chief Procurement Officer consent to this motion.

On October 29, 2025, Appellant Carolina Advanced Digital, Inc. (“CAD”) timely filed its notice of appeal from the decision of the Procurement Review Panel. On Friday, November 7, CAD timely requested a transcript of the hearing before the Panel. The Panel’s new counsel began searching for its recording of the hearing. *See* Transcript Correspondence, attached hereto as **Exhibit A**. On Monday, December 1, 2025, the Panel’s new counsel informed CAD that the recording of the hearing could not be located. Therefore, no transcript of the hearing can be produced.

Rule 208(a)(1) of the South Carolina Rule of Appellate Procedure provides that the appellant’s initial brief must be filed “[w]ithin thirty (30) days after receiving the transcript or, if no transcript is ordered, within thirty (30) days after serving the notice of appeal.” Here, CAD ordered a transcript. Therefore, the deadline for filing is not based on the date the notice of appeal was filed. But since the hearing was not transcribed and the recording is lost, no transcript will ever be produced. Therefore, Rule 208(a)(1) does not set a deadline for CAD’s brief in this case.

On December 11, this Court issued a letter to the parties indicating that the Court will not take any action until a party requests it by way of a motion.

Therefore, CAD respectfully moves this Court, with the consent of Appellee and of the Chief Procurement Officer – who is entitled to participate in this appeal and file a brief pursuant to S.C. Code § 11-35-4420 – to set a briefing schedule. Specifically, CAD asks this Court to order the following deadlines:

- Deadline for CAD’s initial brief: Thursday, January 29, 2025.
- Deadline for Appellee’s response brief: Thursday, March 17, 2025.
- Deadline for Chief Procurement Officer’s brief: Thursday, March 17, 2025.
- Deadline for CAD’s reply brief: Thursday, April 9, 2025.

Respectfully submitted,

December 12, 2025

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PROOF OF SERVICE

I certify, on December 12, 2025, that the foregoing was served on all counsel of record as follows:

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