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Aug 14 2026
SC Court of Appeals

THE STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

APPEAL FROM THE SOUTH CAROLINA ADMINISTRATIVE LAW COURT

The Honorable Samuel L. Johnson, Administrative Law Judge

STORMWATER APPEAL

ALC Docket No. 25-ALJ-07-0420-CC

Appellate Case No. 2026-001550

Robert Litzenberger, Appellant,

v.

South Carolina Department of Environmental Services and Branden Baker,

Respondents.

APPELLANT'S MOTION FOR PERMISSION TO ORDER TRANSCRIPT OUTSIDE THE RULE 207(b)(1) DEADLINE

Appellant Robert Litzenberger, appearing pro se, respectfully moves pursuant to Rules 207(b), 240, and 263(b) of the South Carolina Appellate Court Rules (SCACR) for permission to order the transcript of the proceedings before the South Carolina Administrative Law Court outside the ten-day period stated in Rule 207(b)(1). In support, Appellant states:

1. This motion concerns only Appellant's **stormwater appeal** from ALC Docket No. **25-ALJ-07-0420-CC**. The South Carolina Court of Appeals assigned this matter **Appellate Case No. 2026-001550**. The Clerk's August 5, 2026 letter bearing that appellate case number is attached as Exhibit A.

2. Appellant served his Notice of Appeal on July 13, 2026, from the Administrative Law Court's final order in the stormwater contested case.

3. Rule 207(b)(1), SCACR, requires an appellant in an appeal from an administrative tribunal to make written arrangements with the administrative tribunal to obtain the transcript within

ten days after service of the notice of appeal and to contemporaneously furnish all counsel of record and the Clerk of the appellate court with copies of the correspondence.

4. Appellant did not complete the transcript order within that period. Appellant is self-represented and misunderstood the separate transcript-ordering requirement. The omission was procedural and was not intended to delay the appeal or prejudice any party.

5. By letter dated August 5, 2026, the Clerk advised Appellant that the transcript-ordering period had expired. The Clerk directed Appellant, if the transcript had not been timely ordered, to serve and file a motion requesting permission to order the transcript outside the Rule 207 deadline, together with a copy of the transcript-request letter. The Clerk also directed that the Court, the Office of Court Administration, and opposing counsel be copied on correspondence concerning the transcript.

6. Contemporaneously with this motion, Appellant is submitting the written transcript request attached as Exhibit B to the Administrative Law Court and furnishing copies of that correspondence to the Clerk of the Court of Appeals, the South Carolina Office of Court Administration, and opposing counsel/parties of record.

7. Rule 263(b), SCACR, authorizes the appellate court to extend the time prescribed by the Rules for acts other than service of a notice of appeal. The requested extension concerns the transcript-ordering period, not the jurisdictional notice-of-appeal period.

8. Allowing the late transcript order will permit review on a complete record and will not alter the notice-of-appeal deadline. Appellant will make the financial arrangements required by the Administrative Law Court for preparation of the transcript.

WHEREFORE, Appellant respectfully requests that the Court grant permission to order the transcript outside the Rule 207(b)(1) period; accept the contemporaneous transcript request pursuant to the Court's order; and grant such other relief as is just and proper.

Respectfully submitted,

/s/ Robert Litzenberger

Robert Litzenberger, Appellant, pro se

219 Talons Ridge Road

Seneca, South Carolina 29672

Telephone: 850-424-5021

Date: August 14, 2026

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MEMORANDUM OF AUTHORITIES IN SUPPORT OF MOTION

I. Rule 207(b), SCACR. This is an appeal from an administrative tribunal. Rule 207(b)(1) governs written arrangements for the transcript and requires contemporaneous copies of transcript correspondence to all counsel of record and the appellate clerk. Rule 207(b)(2) addresses delivery of the transcript after the request, and Rule 207(b)(3) addresses an extension when the administrative tribunal cannot timely deliver it.

II. Rule 263(b), SCACR. The appellate court may extend the time prescribed by the appellate rules for acts other than the time for serving a notice of appeal. Appellant seeks enlargement only of the transcript-ordering period.

III. Rule 240, SCACR. This motion states the grounds for relief and is accompanied by this memorandum, a certificate of service, and supporting documents. Exhibit A establishes the Clerk's directive; Exhibit B is the transcript correspondence being submitted contemporaneously.

IV. Rule 32, Rules of Procedure for the South Carolina Administrative Law Court. Contested-case hearings are available for transcription, and the requesting party bears the cost of preparation.

V. Relief requested. Appellant has responded to the Clerk's deficiency letter and is now making the transcript request and providing the copies specifically directed by the Clerk. Granting the requested enlargement will allow the stormwater appeal to proceed on the appropriate record without substantive prejudice.

CONCLUSION

Appellant respectfully requests an order permitting the transcript to be ordered outside the Rule 207(b)(1) deadline and accepting the contemporaneous transcript request for purposes of this stormwater appeal.

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v.

South Carolina Department of Environmental Services and Branden Baker,

Respondents.

CERTIFICATE OF SERVICE

I certify that on August 14, 2026, I served a true and correct copy of the foregoing Motion, Memorandum, and Exhibits A and B upon the following parties of record:

Stephen P. Hightower, Esq.

Assistant General Counsel

South Carolina Department of Environmental Services

2600 Bull Street

Columbia, South Carolina 29201

Email: stephen.hightower@des.sc.gov

Branden Baker

Open Water Realty, LLC

6314 Trail Blvd

Naples, Florida 34108

I further certify that the transcript-request correspondence attached as Exhibit B is being furnished contemporaneously to:

Clerk, South Carolina Court of Appeals

P.O. Box 11629

Columbia, South Carolina 29211

South Carolina Office of Court Administration

1220 Senate Street, Suite 200

Columbia, South Carolina 29201

Clerk / Transcript Coordinator, South Carolina Administrative Law Court

1205 Pendleton Street, Suite 224

Columbia, South Carolina 29201

Respectfully submitted,

/s/ Robert Litzenberger

Robert Litzenberger, Appellant, pro se

219 Talons Ridge Road

Seneca, South Carolina 29672

Telephone: 850-424-5021

Date: August 14, 2026

EXHIBIT A

South Carolina Court of Appeals letter dated August 5, 2026

The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

CATHERINE S. HARRISON
CHIEF DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

August 5, 2026

Robert Litzenberger
219 Talons Ridge Road
Seneca SC 29672

Re: Robert Litzenberger v. SCDES
Appellate Case No. 2026-001550

Dear Mr. Litzenberger:

Our records reflect that the time for ordering the transcript has expired. Within ten days of the date of this letter, you must file a copy of the letter showing that you have timely ordered the transcript from the court reporter. If you have not timely ordered the transcript, you must serve and file a motion requesting permission to order the transcript outside of the filing deadlines set by Rule 207 of the SCACR, along with a copy of your letter addressed to the court reporter.

Be sure to copy the Court, the Office of Court Administration and opposing counsel with all correspondence concerning the transcript. The address for Court Administration is as follows:

South Carolina Office of Court Administration
1220 Senate Street, Suite 200
Columbia, SC 29201

You must advise the Court of the status of the transcript within ten (10) days of the date of this letter, or your appeal will be dismissed.

EXHIBIT B

CONTEMPORANEOUS TRANSCRIPT REQUEST - STORMWATER APPEAL

August 14, 2026

Clerk / Transcript Coordinator

South Carolina Administrative Law Court

1205 Pendleton Street, Suite 224

Columbia, South Carolina 29201

Re: Robert Litzenberger v. South Carolina Department of Environmental Services and Branden Baker

STORMWATER APPEAL

ALC Docket No. 25-ALJ-07-0420-CC

Court of Appeals Case No. 2026-001550

Dear Clerk / Transcript Coordinator:

Pursuant to Rule 207(b), SCACR, and Rule 32 of the Rules of Procedure for the South Carolina Administrative Law Court, I request preparation and delivery of the **entire transcript of the proceedings** in ALC Docket No. 25-ALJ-07-0420-CC, the stormwater contested case identified above, including any recorded hearing or proceeding that forms part of the proceedings below.

Please advise me promptly of the amount required, method of payment, and any other arrangements necessary to place the transcript into production. I will make the required payment arrangements upon receipt of that information.

This request is submitted contemporaneously with my motion in Court of Appeals Case No. 2026-001550 for permission to order the transcript outside the Rule 207(b)(1) period.

Copies of this transcript correspondence are being furnished to the Clerk of the South Carolina Court of Appeals, the South Carolina Office of Court Administration, Stephen P. Hightower, Esq., and Branden Baker in accordance with Rule 207(b)(1) and the Clerk's August 5, 2026 directive.

Respectfully,

/s/ Robert Litzenberger

Robert Litzenberger, pro se

219 Talons Ridge Road

Seneca, South Carolina 29672

Telephone: 850-424-5021

cc: Clerk, South Carolina Court of Appeals; South Carolina Office of Court Administration; Stephen P. Hightower, Esq.; Branden Baker