

RECEIVED

Sep 09 2026

SC Court of Appeals

STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Honorable Samuel L. Johnson, Administrative Law Judge

ALC Docket No. 25-ALJ-07-0420-CC
Appellate Case No.: 2026-001905

Robert Litzenberger,

Appellant,

vs.

South Carolina Department of Environmental Services
and Branden Baker,

Respondents.

**Notice of Motion and Motion for Extension of Time to Respond to
Appellant's Emergency Verified Petition for Writ of Supersedeas and
Motion for Temporary Stay Pending Appeal Under Rule 241, SCACR**

You will please take notice that Respondent South Carolina Department of Environmental services ("Department"), respectfully requests an Order of this Court extending the Department's time to file a Return to Appellant's Emergency Verified Petition for Writ of Supersedeas and Motion for Temporary Stay Pending Appeal Under Rule 241, SCACR (hereinafter referred to as "Motion for Stay"). Appellant served the Department with a copy of the Motion for Stay on August 27, 2026. Lead counsel for the Department, however, was on family-related leave from August 24, 2026 through September 4, 2026, and did not have an opportunity to review Appellant's motion

until he returned to his office on September 8, 2026. Accordingly, the Department respectfully requests an additional five (5) days in which to respond to the Appellant's Motion for Stay.¹

WHEREFORE, for the reasons set forth above, the Department would respectfully request an Order from this Court granting the Department an extension of five (5) days of time in which to respond to Appellant's Motion for Stay.

Respectfully submitted,

/s/ Stephen P. Hightower
Stephen P. Hightower, SC Bar # 72265
Assistant General Counsel

Bennett W. Smith, SC Bar # 102894
Assistant General Counsel

South Carolina Department of
Environmental Services
2600 Bull Street
Columbia, South Carolina 29201

Counsel for Respondent SCDES

September 9, 2026
Columbia, South Carolina

¹ As of September 9, 2026, Appellant's Motion for Stay does not appear in this Court's C-Track docket for Appellate Case No. 2026-001905. Although it is not clear if Appellant has properly filed the Motion for Stay with this Court, the Department is requesting this extension to fully preserve its right to file a Return within the applicable time allowed under Rule 240(e), SCACR.

RECEIVED

Sep 09 2026

SC Court of Appeals

STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Honorable Samuel L. Johnson, Administrative Law Judge

ALC Docket No. 25-ALJ-07-0420-CC
Appellate Case No.: 2026-001905

Robert Litzenberger,

Appellant,

vs.

South Carolina Department of Environmental Services
and Branden Baker,

Respondents.

CERTIFICATE OF SERVICE

I, Stephen P. Hightower, attorney for the South Carolina Department of Environmental Services, do hereby certify that on this 9th day of September, 2026, I have served the ***Respondent's Notice of Motion and Motion for Extension of Time to Respond to Appellant's Emergency Verified Petition for Writ of Supersedeas and Motion for Temporary Stay Pending Appeal Under Rule 241, SCACR*** by mailing a copy of same to all known parties of records, U. S. Mail, First Class to the following:

Mr. Robert Litzenberger
219 Talons Ridge Road
Seneca, South Carolina 29672

Mr. Branden Baker
Open Water Realty, LLC
7314 Trail Blvd
Naples, Florida 34108

September 9, 2026
Columbia, South Carolina

/s/ Stephen P. Hightower
Stephen P. Hightower