

The South Carolina Court of Appeals

Robert Litzenberger, Appellant,

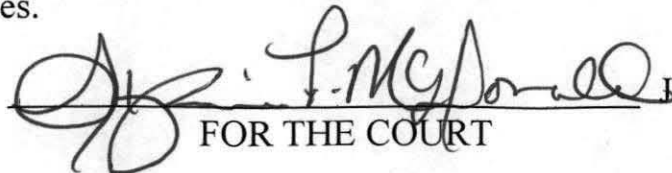
v.

South Carolina Department of Environmental Services
and Branden Baker, Respondents.

Appellate Case No. 2026-001550

ORDER

On August 28, 2026, Respondent South Carolina Department of Environmental Services (SCDES) filed a motion to dismiss this appeal because Appellant failed to serve and file his initial brief and designation of matter within the prescribed time. *See* Rule 208(a)(1), SCACR ("Within thirty (30) days after receiving the transcript or, if no transcript is ordered, within thirty (30) days after serving the notice of appeal, appellant shall serve one copy of his brief on all parties to the appeal, and file with the clerk of the appellate court one copy of the brief with proof of service."); Rule 208(a)(4), SCACR ("Upon the failure of the appellant to file and serve his brief within the time prescribed, the clerk of the appellate court shall sign an order dismissing the appeal, and the appeal shall not be reinstated except as provided by Rule 260."). On August 31, 2026, Appellant filed a return, opposing SCDES's motion to dismiss and requesting an extension of time to serve and file his initial brief and designation of matter. On September 8, 2026, SCDES filed a reply. After careful consideration of the filings, we deny SCDES's motion to dismiss. Within thirty days of the date of this order, Appellant shall serve and file his initial brief and designation of matter. No further extensions will be granted absent extraordinary circumstances.


FOR THE COURT

Columbia, South Carolina

cc:

Robert Litzenberger

Christopher Patrick Whitehead, Esquire

Joseph Anthony Giordano, Esquire

Bennett W Smith, Esquire

Stephen Philip Hightower, Esquire

Branden Baker

FILED
Oct 14 2026