

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM THE ADMINISTRATIVE LAW COURT
John D. McLeod, Administrative Law Judge

Case No. 08-ALC-07-0221-CC
Appellate Case No. 2009-135686

Deerfield Plantation Phase IIB Property Owners Association Appellant,

vs.

South Carolina Department of Health and Environmental Control,
Deertrack Golf, Inc., and Bill Clark Homes of Myrtle Beach, LLC Respondents,

vs.

Bill Clark Homes of Myrtle Beach, LLC Respondent.

**MOTION FOR LEAVE TO FILE INITIAL REPLY
BRIEF OUT OF TIME AND FOR EXTENSION OF
TIME TO FILE INITIAL REPLY BRIEF**

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SC Court of Appeals

TO ALL PARTIES AND THE COURT OF APPEALS:

PLEASE TAKE NOTICE that the Appellant hereby moves the Court of Appeals, pursuant to Rule 263(b) of the South Carolina Appellate Court Rules, to allow for filing its Initial Reply Brief out of time and a ten-day extension for filing its Initial Reply Brief. Under such extension, the Appellant's Reply Brief would be due Monday, February 3. The basis for this motion is as follows:

The Respondents were previously granted a ten-day extension for filing their Initial Brief,

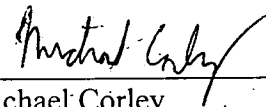
and that brief was filed on January 13, 2014. The Appellant's Reply Brief was therefore due on Thursday, January 23, 2014; however counsel mistakenly calendared the deadline for January 28, 2014. Counsel for the Appellant acknowledges that the extension should have been requested on or before the January 23 filing deadline and can only offer a calendaring error as justification for that failure. On January 27, counsel realized that the filing date had passed four (4) days ago, and that the brief had actually been due on January 23.

In addition, a number of ongoing matters have prevented Appellant's counsel from completing the Reply Brief by the January 23 deadline. Most notably, counsel spent the better part of two days participating in an effort to potentially settle this appeal and the related underlying dispute. Between the time spent participating in settlement meetings, the delay in receiving Respondents' Initial Brief by mail, and other ongoing commitments, Appellant's counsel requires an extension to adequately complete the Reply Brief.

A ten-day extension from the January 23 deadline would not unduly delay resolution of this matter, and the Respondents are not prejudiced by the fact that this extension is requested two working days past that deadline. In fact, both participating Respondents, DHEC and Deertrack Golf, have consented to extending the Reply Brief deadline until February 3.

For these reasons, the Appellant respectfully requests leave to file its Initial Reply Brief out of time and a 10-day extension for filing its Initial Reply Brief until February 3, 2014.

Respectfully submitted,



Michael Corley
Amy E. Armstrong

SOUTH CAROLINA ENVIRONMENTAL LAW
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Attorney for the Appellant, Deerfield Plantation
Phase IIB Property Owners Association

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January 27, 2014

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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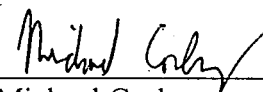
Bill Clark Homes of Myrtle Beach, LLC Respondent.

CERTIFICATE OF SERVICE

I hereby certify that on this date I served the Appellant's Motion for Extension and to File Reply Brief Out of Time upon counsel for the Respondents, by placing copies of same in the United States Mail, addressed to:

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Charleston, SC 29405

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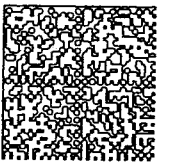
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SC Court of Appeals

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