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STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

S.C. SUPREME COURT

APPEAL FROM THE ADMINISTRATIVE LAW COURT

John D. McLeod, Administrative Law Judge

Case No. 09-ALC-07-0069-CC

Town of Arcadia Lakes, Robert L. Jackson, Linda Z. Jackson,
Robert E. Williams, Jr., Barbara S. Williams, Elizabeth M. Walker,
Louis E. Spradlin, Mary Helen Spradlin, Thomas Hutto Utsey,
Tony Sinclair, Aaron Small, Bette Small, Gene F. Starr, M.D.,
Elaine J. Starr, Sanford T. Marcus, Ruth L. Marcus, and Steven Brown,.....Petitioners,

vs.

South Carolina Department of Health and Environmental Control
and Roper Pond, LLC,..... Respondents.

**MOTION FOR LEAVE TO FILE PRINCIPAL BRIEF EXCEEDING PAGE
LIMITATION PURSUANT TO SCACR RULE 208(b)(5)**

TO: ALL PARTIES AND THE SUPREME COURT:

PLEASE TAKE NOTICE that the Petitioners Town of Arcadia Lakes, Robert L. Jackson, Linda Z. Jackson, Robert E. Williams, Jr., Barbara S. Williams, Elizabeth M. Walker, Louis E. Spradlin, Mary Helen Spradlin, Thomas Hutto Utsey, Tony Sinclair, Aaron Small, Bette Small, Gene F. Starr, M.D., Elaine J. Starr, Sanford T. Marcus, Ruth L. Marcus, and Steven Brown (collectively the "Petitioners") hereby move this Court, pursuant to South Carolina Appellate Court Rules ("SCACR") Rule 208(b)(5), for leave to file a principal brief in excess of the page length limitation provided therein. The basis for this motion is as follows:

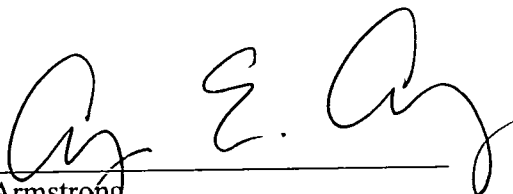
Rule 208 provides that initial briefs must not exceed fifty (50) pages unless the appeal involves a sentence of death. SCACR Rule 208(b)(5). However, SCACR Rule 208(b)(5) also provides that: “On motion, the appellate court may grant a party permission to exceed those limitations.”

There are several significant issues that warrant discussion in the Petitioners’ principal brief, namely the merits giving rise to this appeal, which are complex and require considerable elucidation, as well as the Petitioners’ standing, which is of critical importance. Further, it has been the long-standing practice of counsel for the Petitioners when submitting an initial brief to begin counting toward the fifty (50) page limitation of Rule 208(b)(5) with the page containing the “Statement of Issues” or “Statement of the Case” as page numbered “1,” rather than including the pages containing the “Table of Contents,” the “Table of Authorities,” or the Certificate of Service within that page limitation. After review of briefs submitted to and accepted by this Court and the Court of Appeals over the past several years, this has been the understanding of Rule 208(b)(5) by the undersigned and appears to be the understanding by other practitioners as well. However, counsel for Petitioners is now aware that the Court will count all introductory pages and proofs of service toward the fifty (50) page limitation and will include those pages in determining compliance with Rule 208(b)(5) in the future.

The brief filed in this case includes the following pages which are in addition to the fifty (50) page limit of Rule 208(b)(5) and which were not calculated by Petitioners in determining compliance with that Rule: one-page cover page; one-page certificate of service; two-page Table of Contents; and three-page Table of Authorities. The Petitioners request that that the Court accept the fifty-seven (57) page brief.

WHEREFORE, the Petitioners move the South Carolina Supreme Court, pursuant to SCACR Rule 208(b)(5), for leave to file a principal brief of fifty-seven (57) pages in length.

Respectfully submitted,



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PROJECT

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October 6, 2014

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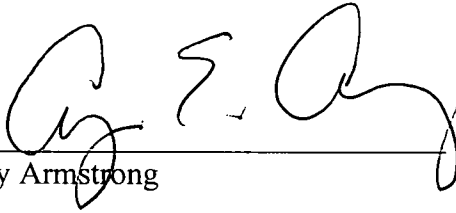
South Carolina Department of Health and Environmental Control
and Roper Pond, LLC, Respondents.

CERTIFICATE OF SERVICE

I hereby certify that on this date I served copies of the Petitioners' Motion for Leave to File Brief Exceeding the Page Limit upon counsel for the Respondents by placing same in the United States Mail, First Class Postage Prepaid, addressed to:

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October 6, 2014