

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM THE ADMINISTRATIVE LAW COURT

Ralph K. Anderson, III, Chief Administrative Law Judge

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Case No. 2014-000847

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Preservation Society of Charleston,  
Historic Charleston Foundation, Historic  
Ansonborough Neighborhood Association,  
South Carolina Coastal Conservation  
League, Charlestowne Neighborhood  
Association, Charleston Chapter of the  
Surfrider Foundation, and Charleston  
Communities for Cruise Control, ..... Appellants,

**RECEIVED**  
OCT 31 2014  
SC Court of Appeals

v.

South Carolina Department of Health and  
Environmental Control and South Carolina  
Ports Authority, ..... Respondents.

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JOINT MOTION FOR EXTENSION OF TIME AND FOR LEAVE TO FILE  
INITIAL BRIEFS OF RESPONDENT EXCEEDING PAGE LIMITATION

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Pursuant to Rules 208(b)(5), 240, and 263(b), of the South Carolina Appellate Court Rules (SCACR), Respondents South Carolina Ports Authority (Ports Authority) and the South Carolina Department of Health and Environmental Control (DHEC) (collectively Respondents) jointly move the Court for an extension of time to file their respective Initial Briefs and

Designations of Matter to be included in the Record on Appeal. Additionally, Respondents respectfully move the Court for leave to file respective Initial Briefs exceeding the page limitation of fifty (50) pages. In support of this motion, Respondents state as follows:

1. Appellants Preservation Society of Charleston, Historic Charleston Foundation, Historic Ansonborough Neighborhood Association, South Carolina Coastal Conservation League, Charlestowne Neighborhood Association, Charleston Chapter of the Surfrider Foundation, and Charleston Communities for Cruise Control (collectively, Appellants) filed a notice of appeal from the Order of the Administrative Law Court on April 21, 2014.
2. By letter dated May 13, 2014, Appellants sought a 30-day extension of time to file their Initial Brief. This Court granted same on May 19, 2014, extending the deadline until June 20, 2014.
3. By motion dated June 14, 2014, Appellants sought a second, 30-day extension of time to file their Initial Brief. This Court granted same on June 23, 2014, extending the deadline until July 21, 2014.

4. On July 3, 2014 the Ports Authority filed a motion to dismiss certain parts of Appellants' appeal as not immediately appealable.
5. On July 14, 2014, Appellants filed a motion for leave to file an Initial Brief exceeding the page limitation, requesting a total of seventy-five (75) pages.
6. By letter dated July 17, 2014, Counsel for Respondent Ports Authority responded to Appellants' request for leave to exceed the page limitation, explaining that while the Ports Authority believed additional pages to be unnecessary, should the Court grant Appellants' motion in its discretion, the Ports Authority respectfully requested an equal page expansion in the Initial Brief of Respondent.
7. By Order dated September 11, 2014, this Court denied the Ports Authority's motion to dismiss and granted Appellants' motion to exceed the page limitation in their Initial Brief. By cover letter accompanying the Order, the Court further extended Appellants' time to file their Initial Brief and Designation of Matter on Appeal to thirty (30) days from the date of the Order.
8. Appellants served their Initial Brief and Designation of Matter on Appeal on Tuesday, October 14, 2014.

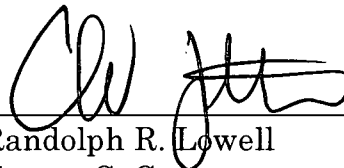
9. On October 17, 2014, Appellants filed a motion to amend their Initial Brief to include an omitted Statement of Issues on Appeal and Statement of the Case.
10. By Order dated October 22, 2014, this Court granted Appellants' motion to amend and clarified that Respondents' respective Initial Briefs and Designations of Matter on Appeal are due to be filed Friday, November 21, 2014.
11. Counsel for Respondents respectfully request an extension of time of thirty (30) days to file their respective Initial Respondents Briefs and Designations of Matter on Appeal due to continuing work schedule conflicts coinciding with the current due date.
12. If the Court grants this request, Counsel for Respondents calculate that they will have until Monday, December 22, 2014 to file the Initial Respondents Briefs and Designations of Matter on Appeal.
13. This is the first request for an extension by Counsel for Respondents related to their Initial Briefs and Designations of Matter on Appeal.
14. Additionally, in order to address the issues raised in Appellants' Initial Brief exceeding the page limitation set forth in Rule 208(b)(5), SCACR, Counsel for Respondents request leave to file

Initial Briefs of Respondents in excess of fifty (50) pages in length, but not longer than seventy-five (75) pages.

Counsel for Respondents therefore respectfully request that the Court grant this motion and extend the time for Respondents to file their respective Initial Briefs and Designations of Matter on Appeal until Monday, December 22, 2014. Counsel for Respondents also respectfully request that the Court grant this motion to exceed the page limitation of their respective Initial Briefs, consistent with the Court's Order dated September 11, 2014 granting Appellants' identical request, and permit the filing of Initial Respondents Briefs not to exceed seventy-five (75) pages in length.

[SIGNATURE PAGE FOLLOWS]

Respectfully submitted,

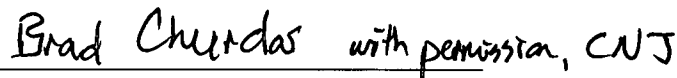


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October 31, 2014  
Columbia, South Carolina

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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**Certificate of Service**

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This is to certify that I, a paralegal with the law firm Willoughby & Hoefler, P.A., have caused to be served this day one (1) copy of the **Respondents South Carolina Ports Authority and South Carolina Department of Health and Environmental Control's Joint Motion for Extension of Time and Motion for Leave to File Initial Briefs Exceeding Page Limitation** by placing same in the care and custody of the United States Postal Service with first class postage affixed thereto and addressed as follows:

Amy Armstrong, Esquire  
**South Carolina Environmental Law Project**  
Post Office Box 1380  
Pawley's Island, SC 29585

Jefferson Leath, Esquire  
**Leath, Bouch & Seekings, LLP**  
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Bradley D. Churdar, Esquire  
**South Carolina Department of  
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1362 McMillan Avenue, Suite 400  
North Charleston, SC 29405

J. Blanding Holman, Esquire  
**Southern Environmental Law Center**  
43 Broad Street, Suite 300  
Charleston, SC 29401

  
Breanna M. Karns

Columbia, South Carolina  
This 31st day of October 2014

**WILLOUGHBY & HOEFER, P.A.**

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\*\*ALSO ADMITTED IN THE DISTRICT OF COLUMBIA

October 31, 2014

**VIA HAND DELIVERY**

The Honorable Jenny Abbott Kitchings  
Clerk of Court, Court of Appeals  
1015 Sumter Street  
Columbia, South Carolina 29201

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OCT 31 2014

**SC Court of Appeals**

Re: *Preservation Society of Charleston v. S.C. State Ports Authority & SCDHEC*;  
Appellate Case No. 2014-000847

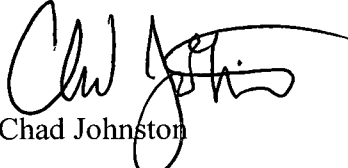
Dear Ms. Kitchings:

Enclosed please find the original and seven (7) copies of the **Joint Motion for Extension of Time and Motion for Leave to File Initial Briefs Exceeding Page Limitation**, of Respondents South Carolina Ports Authority and South Carolina Department of Health and Environmental Control, along with a Certificate of Service. Please file-stamp the extra copy and return it via my courier.

Thank you for your time and consideration. If you have any questions or if you need any additional information, please do not hesitate to contact me.

Very truly yours,

**WILLOUGHBY & HOEFER, P.A.**

  
Chad Johnston

Enclosures

cc: Amy Armstrong, Esquire  
Jefferson Leath, Esquire  
Bradley D. Churdar, Esquire  
J. Blanding Holman, Esquire  
Philip L. Lawrence, Esquire