

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Ralph K. Anderson, III, Chief Administrative Law Judge

Case No. 2014-000847

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,

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NOV 19 2014
SC Court of Appeals

v.

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

**JOINT MOTION FOR EXTENSION OF TIME TO FILE
REPLY IN SUPPORT OF JOINT MOTION TO STRIKE**

Pursuant to Rules 240(f), 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 a Reply in Support of their Joint Motion to Strike:

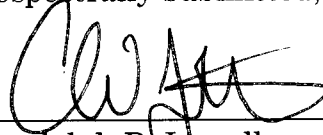
1. Appellants Preservation Society of Charleston, Historic Charleston Foundation, Historic Ansonborough Neighborhood Association, South Carolina Coastal Conservation League, Charlestowne Neighborhood Association, Charleston Chapter of the Surfrider Foundation, and Charleston Communities for Cruise Control (collectively, Appellants) served their Initial Brief and Designation of Matter on Appeal on Tuesday, October 14, 2014.
2. In their Initial Brief, Appellants made impermissible reference to a letter of the United States Army Corps of Engineers, which was sent four months after the Order underlying this appeal was entered, in contravention to Rule 210(h), SCACR.
3. On November 6, 2014 Respondents filed a joint Motion to Strike from Appellants' Initial Brief reference to the letter and all matters which were not before the Administrative Law Court (ALC) and therefore improperly before this Court on appeal.
4. On November 14, 2014, Appellants filed a Return to the Motion to Strike. Appellants double-downed on their impermissible approach, expanding the single reference in the Initial Brief to a substantive argument in their Return, centered around the misconstruction of information that was not before the ALC.

5. Counsel for Respondents respectfully request an extension of five (5) days to file a Reply. This additional time is required because of work schedule conflicts coinciding with the current due date, as well as to adequately respond to and refute the inaccuracies contained in Appellants' Return
6. If the Court grants this request, Counsel for Respondents calculate that they will have until Wednesday, November 26, 2014 to file the Reply.
7. This is the first request for an extension by Counsel for Respondents related to Respondents' joint Motion to Strike.

Counsel for Respondents therefore respectfully requests that this Court grant this motion and extend the time until Wednesday, November 26, 2014, for Respondents to file a reply in support of their joint Motion to Strike from Appellants' Initial Brief impermissible references to matters outside of the record on appeal.

[SIGNATURE PAGE FOLLOWS]

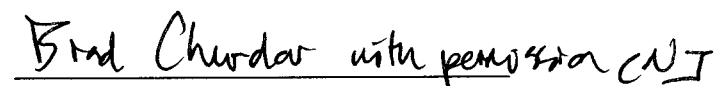
Respectfully submitted,



Randolph R. Lowell
Tracey C. Green
Chad N. Johnston
WILLOUGHBY & HOEFER, P.A.
Post Office Box 8416
Columbia, SC 29202-8416
rlowell@willoughbyhoefer.com
tgreen@willoughbyhoefer.com
cjohnston@willoughbyhoefer.com

Philip L. Lawrence
General Counsel
SOUTH CAROLINA PORTS AUTHORITY
Post Office Box 22287
Charleston, SC 29413-2287
plawrence@scspa.com

*Attorneys for Respondent
South Carolina Ports Authority*


Bradley D. Churdar, Chief Counsel
SOUTH CAROLINA DEPARTMENT OF
HEALTH AND ENVIRONMENTAL CONTROL
1362 McMillan Avenue, Suite 400
Charleston, South Carolina 29405
churdabd@dhec.sc.gov

*Attorney for Respondent
South Carolina Department of Health
and Environmental Control*

November 19, 2014
Columbia, South Carolina

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Communities for Cruise Control,Appellants,

v.

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

Certificate of Service

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** 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
92 Broad Street
Charleston, SC 29401

Bradley D. Churdar, Esquire
**South Carolina Department of
Health and Environmental Control**
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 19th day of November 2014

WILLOUGHBY & HOEFER, P.A.

ATTORNEYS & COUNSELORS AT LAW

930 RICHLAND STREET

P.O. BOX 8416

COLUMBIA, SOUTH CAROLINA 29202-8416

MITCHELL M. WILLOUGHBY
JOHN M.S. HOEFER
RANDOLPH R. LOWELL**
TRACEY C. GREEN
BENJAMIN P. MUSTIAN**
ELIZABETH ZECK*
ELIZABETHANN LOADHOLT CARROLL
CHAD N. JOHNSTON
JOHN W. ROBERTS
ANDREW J. D'ANTONI

AREA CODE 803
TELEPHONE 252-3300
TELECOPIER 256-8062

*ALSO ADMITTED IN TX
**ALSO ADMITTED IN THE DISTRICT OF COLUMBIA

November 19, 2014

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SC Court of Appeals

VIA HAND DELIVERY

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

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

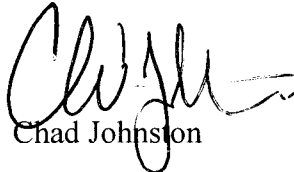
Dear Ms. Kitchings:

Enclosed please find the original and seven (7) copies of the **Joint Motion for Extension of Time** to file the Reply in support of the Motion to Strike, 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