

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Appeal from the Administrative Law Court
John D. McLeod, Administrative Law Judge

Appellate Case No. 2013-001521

RECEIVED

DEC 4 2014

S.C. Supreme Court

Town of Arcadia Lakes, Robert L. Jackson, Linda Z.
Jackson, Robert E. Williams, 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 Steve Brown,

Petitioners,

vs.

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

Respondents.

MOTION TO EXTEND TIME TO FILE
REPLY TO RESPONSE TO MOTION TO
SUPPLEMENT APPENDIX ON APPEAL

TO: ALL PARTIES AND TO THE SUPREME COURT:

PLEASE TAKE NOTICE that the Respondent South Carolina Department of Health and Environmental Control ("Department"), pursuant to Rule 263(b), South Carolina Rules of Appellate Practice ("SCRAP") and Rule 240(f) SCRAP, hereby respectfully moves the Supreme Court for an Order extending its time to file its Reply to the Response Petitioners filed to the Department's Motion to Supplement Appendix on Appeal ("Reply"). The Reply was to be

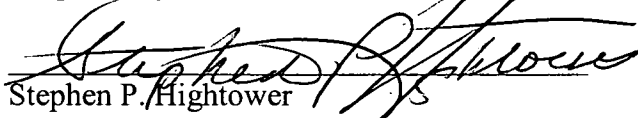
served and filed on November 25, 2014 and was served and filed On December 1, 2014. The basis for this motion is as follows:

On November 18, 2014, Petitioners served the Department with their Response to the Department's Motion to Supplement Appendix on Appeal ("Response") and Reply Brief of Petitioners on Writ of Certiorari ("Reply Brief"). The Response and Reply Brief were served together and received by the Department shortly before close of business on the November 20, 2014. Counsel was not in the office on November 21, 2014, when the document was placed on counsel's calendar. Inadvertently, the matter was calendared using the time provision contained in Rule 6(e), SCRCF instead of Rule 263(a), SCRAP. Accordingly, counsel was under the mistaken impression that the Department's time to serve and file its Reply was on December 1, 2014 instead of November 25, 2014.

Counsel has consulted counsel for Petitioners and counsel for Respondent Roper Pond, LLC. Both Petitioners and Respondent Roper Pond, LLC consent to the requested extension.

WHEREFORE, the Respondent South Carolina Department of Health and Environmental Control requests that the Supreme Court enter an Order extending the time for filing of its Reply until December 1, 2014.

Respectfully submitted,



Stephen P. Hightower

Assistant General Counsel

South Carolina Department of
Health and Environmental Control

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Attorney for Respondent South Carolina

Department of Health and Environmental Control

December 4, 2014

STATE OF SOUTH CAROLINA
IN THE 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,
Ton Sinclair, Aaron Small, Bette Small, Gene F. Starr, M.D.,
Elaine J. Starr, Sanford T. Marcus, Ruth L. Marcus, and Steven Brown,.....Petitioners,

vs.

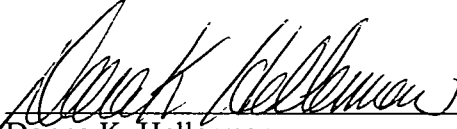
South Carolina Department of Health and Environmental Control
and Roper Pond, LLC,Respondents.

CERTIFICATE OF SERVICE

I hereby certify that on this date I served copies of the Respondent, South Carolina Department of Health and Environmental Control's Motion to Extend Time to File Reply to Response to Motion to Supplement Appendix on Appeal upon counsel for the parties via Electronic mail and by placing the same in the United States Mail, First Class Postage Prepaid, addressed to:

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Donna K. Hellerman

December 4, 2014
Columbia, South Carolina



Catherine B. Templeton, Director

Promoting and protecting the health of the public and the environment

OFFICE OF GENERAL COUNSEL
Phone: 803.898.3350 Fax: 803.898.3367

December 4, 2014

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S.C. Supreme Court

VIA HAND DELIVERY

Honorable Daniel E. Shearouse
Clerk, South Carolina Supreme Court
Post Office 11330
1231 Gervais Street
Columbia, South Carolina 29211

RE: Town of Arcadia Lakes, et al. v. SCDHEC & Roper Pond, LLC
Appellate Case No.: 2013-001521
OGC# 20827

Dear Mr. Shearouse:

Enclosed for filing please find the original and six (6) copies of the Respondent, South Carolina Department of Health and Environmental Control's Motion to Extend Time to File Reply to Response to Motion of Supplement Appendix on Appeal, along with our Agency's Certificate of Service.

In addition, I have enclosed two (2) additional copies of the Motion, and I would appreciate your returning these clocked copies to our Agency in the enclosed self-addressed stamped envelope.

If you have any questions, or if I can provide any additional assistance, please do not hesitate to let our office know.

Very truly yours,

Stephen P. Hightower
Assistant General Counsel

SPH/dkh

Enclosures as stated

cc: W. Thomas Lavender, Jr., Esquire
Joan Hartley, Esquire
Amy Armstrong, Esquire