

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

RECEIVED

DEC 19 2014

SC Court of Appeals

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,

v.

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

JOINT MOTION FOR EXTENSION OF TIME

Pursuant to Rules 208, 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. 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. On October 31, 2014, Respondents filed a joint Motion for Extension of Time and For Leave to File an Initial Brief Exceeding the Page Limitations.
12. 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.
13. 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.
14. On November 21, 2014, this Court granted Respondents' joint Motion to Strike, ordered the refile of an amended Initial Brief from the Appellants within ten days, and granted the Motion for Leave to Exceed the Page Limitations for the Respondents' Initial Brief. Further, this Court ordered that the Respondents' Initial Briefs be filed within 30 days.

15. On December 1, 2014, the Appellants filed a Second Amended Initial Brief.
16. 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.
17. If the Court grants this request, Counsel for Respondents calculate that they will have until Wednesday, January 21, 2015 to file the Initial Respondents Briefs and Designations of Matter on Appeal.
18. This is the first request for an extension by Counsel for Respondents related to their Initial Briefs and Designations of Matter on Appeal from the Court-ordered filing date.
19. Additionally, counsel for the Respondents consent to a ten-day extension for the Appellants to file a reply brief.

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 Wednesday, January 21, 2015.

[SIGNATURE PAGE FOLLOWS]

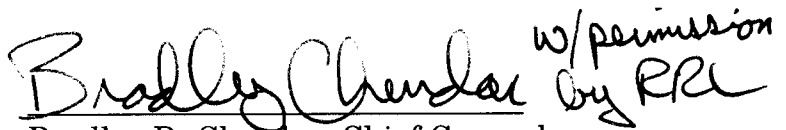
Respectfully submitted,



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December 19, 2014
Columbia, South Carolina

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Environmental Control and South Carolina
State Ports Authority, Respondents.

PROOF 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 **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
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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
463 King Street, Suite B
Charleston, SC 29403


Breanna M. Karns

Columbia, South Carolina
This 19th day of December 2014

WILLOUGHBY & HOEFER, P.A.

ATTORNEYS & COUNSELORS AT LAW

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

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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** of Respondents South Carolina State 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.



Randolph R. Lowell

Enclosures

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