

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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JAN 15 2015

APPEAL FROM THE ADMINISTRATIVE LAW COURT

SC Court of Appeals

The Honorable Carolyn C. Matthews, Administrative Law Judge
Trial Court Case No. 2013-ALJ-07-0494-CC

Case No. 2014-001939

James Weatherholtz,.....Appellants,

v.

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

MOTION FOR EXTENSION OF TIME

Pursuant to Rules 208, 240, and 263(b), of the South Carolina Appellate Court Rules (SCACR), Respondent South Carolina Department of Health and Environmental Control (SCDHEC) moves the Court for an extension of time to file the Respondent's Initial Brief and Designation of Matter to be included in the Record on Appeal. In support of this motion, Respondent states as follows:

1. Appellant filed a notice of appeal from the Order of the Administrative Law Court on September 11, 2014.
2. By motion dated October 6, 2014, Appellant sought a 30-day extension of time to file his Initial Brief. This Court granted same on October 15, 2014, extending the deadline until November 12, 2014.

3. By motion dated November 18, 2014, Appellant sought a second, 30-day extension of time to file his Initial Brief. This Court granted same on November 21, 2014, extending the deadline until December 22, 2014.
4. Appellant served a copy of his Initial Brief and Designation of Matter on Appeal by email to Respondent on December 22, 2014.
5. On December 29, 2014, Appellant notified Respondent that Appellant's Initial Brief, which was mailed to Respondent via US Mail, was returned with an incorrect address, but that the address was being corrected and the brief resent on the same date. To date, the Respondent has not received the brief via US Mail.
6. Counsel for Respondent respectfully requests an extension of time of thirty (30) days to file the Initial Respondents Brief and Designation of Matter on Appeal due to continuing work schedule conflicts and duties with the US Army Reserves coinciding with the current due date. Counsel for Appellant does not oppose this Motion.
7. If the Court grants this request, Counsel for Respondent calculates that SCDHEC will have until Friday, February 20, 2015 to file the Initial Respondents Brief and Designation of Matter on Appeal.
8. This is the first request for an extension by Counsel for Respondent related to their Initial Brief and Designation of Matter on Appeal.

Counsel for Respondent therefore respectfully request that the Court grant this motion and extend the time for Respondent to file their Initial Brief and Designation of Matter on Appeal until Friday, February 20, 2015.

Respectfully submitted,

A handwritten signature in black ink, reading "Brad Churdar". The signature is fluid and cursive, with the first name "Brad" and last name "Churdar" clearly legible.

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*

January 12, 2015
Columbia, South Carolina

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that she has this day served the *Department's Motion for Extension of Time to File Respondent's Initial Brief and Designation of Matter in the above referenced matter* via U.S. First Class Mail, postage pre-paid to:

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, SC 29211

Andrew R. de Holl, Esquire
Womble Carlyle Sandridge & Rice, LLP
Post Office Box 999
Charleston, South Carolina 29402



M: Denise Crawford

January 13, 2015
Charleston, South Carolina



Catherine B. Templeton, Director

Promoting and protecting the health of the public and the environment

January 13, 2015

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, SC 29211

Re: James Weatherholtz v. SCDHEC
Appellate Case No. 2014-001939

Dear Ms. Kitchings:

Enclosed please find the original and seven copies of the Department's Motion for Extension of Time to File Respondent's Initial Brief and Designation of Matter in the above referenced matter. I would appreciate your returning a clocked copy in the enclosed envelope.

By copy of this letter, I am serving counsel for the Appellant, who has consented to this extension request.

Thank you for your attention in this matter.

Very truly yours,

Bradley D. Churdar
Chief Counsel

BDC/mdc

cc: Andrew R. de Holl, Esquire

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