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VIA FACSIMILE AND US MAIL

April 25, 2016

Via Facsimile (803) 734-1839

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

Via Facsimile (803) 734-1499

The Honorable Daniel E. Shearouse  
Clerk, South Carolina Supreme Court  
PO Box 11330  
Columbia, SC 29211

Re: Kiawah Development v. SCDHEC  
Appellate Case No. 2016-000707  
Our File No.: 2338-042

Dear Ms. Kitchings and Mr. Shearouse:

Without consulting counsel for the Respondent, by letter dated April 19, 2016, the Appellant South Carolina Coastal Conservation League asks to be excused from SCACR Rule 207's requirement that every appellant obtain a transcript of the proceeding below and further seeks to limit what the Respondent may present to the Court in the record on appeal. For the reasons explained below, the entire transcript is necessary for this appeal and the record cannot be preemptively limited.

**Appellant's request by letter is not authorized.**

As cited in Appellant's letter, SCACR Rule 207 requires an appellant obtain the transcript of proceedings below. See SCACR Rule 207 ("Unless the parties otherwise agree in writing, appellant must obtain a transcript of the proceedings"). The parties to this appeal have not agreed in writing to waive the transcript requirement. Therefore, the Rule applies equally in this matter and there is no authority for the relief Appellant seeks via a letter to the Offices of the Clerks.

**The transcripts of the hearings below are necessary.**

By Order dated December 10, 2014, the Supreme Court remanded this matter to the Administrative Law Court for further consideration and that consideration included all of the

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SC Court of Appeals

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Gressette to Hons. Kitchings and Shearouse

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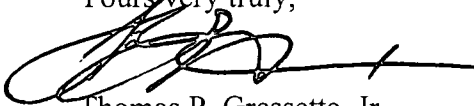
evidence in the record, not just the portions the parties designated in the 2010 Record on Appeal. The current appeal cannot be fairly decided without allowing the designation of evidence from the record below that may not have been designated in the record assembled for the prior appeal. On remand, the ALC held more than one hearing. The transcripts of those proceedings are essential to the Court's consideration of the current appeal of the ALC's decisions on remand.

**Respondent does not oppose an efficient presentation of information to the Court.**

It would certainly be efficient for the 2010 Record on Appeal to be used again in the current appeal, and Respondent would agree to its use. However, along with the orders and transcripts on remand, the parties must be allowed to designate additional evidence not in the 2010 Record on Appeal that could be included in a Supplemental Record on Appeal. This seems a reasonable approach to providing the required record, and Respondent remains willing to confer.

I remain

Yours very truly,



Thomas P. Gressette, Jr.

Counsel for Respondent, Kiawah Development Partners, II

cc: Amy E. Armstrong, Esquire (Email and US Mail)  
Bradley D. Churdar, Esquire (Email and US Mail)