

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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MAY 26 2016

SC SUPREME COURT  
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APPEAL FROM THE ADMINISTRATIVE LAW COURT  
Ralph King Anderson, III, Administrative Law Judge

MAY 25 2016

SC Court of Appeals

Kiawah Development Partners, II, ..... Petitioner,

v.

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

South Carolina Coastal Conservation League ..... Appellant,

v.

South Carolina Department of Health and Environmental Control and  
Kiawah Development Partners, II, ..... Respondents below,

Of Whom Kiawah Development Partners, II, is ..... Respondent.

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**MOTION FOR LEAVE TO FILE OUT OF TIME**

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The South Carolina Coastal Conservation League (“League”) filed a Notice of Appeal and a Motion to Transfer on March 30, 2016 and subsequently filed an Amended Notice of Appeal on April 14, 2016. The South Carolina Department of Health and Environmental Control filed a Notice of Appeal on April 21, 2016.

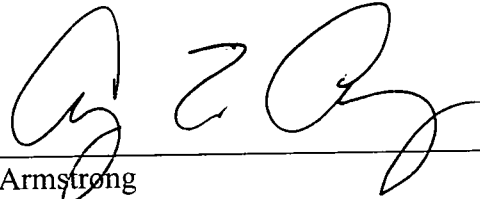
The League did not submit a request for a transcript in accordance with SCACR Rule 207 on the belief that it was not necessary because no evidence or testimony was taken by the lower court on remand. Instead, on April 19, 2016, the League submitted a request to the Court regarding the necessity of ordering a transcript, as well as an inquiry regarding the record on

appeal, due to the fact that the decisions on appeal arise from an Order on Remand following a Supreme Court Opinion from December, 2014. KDP II v. SCDHEC & SCCCL, 766 S.E.2d 707 (2014). On April 25, 2016, the Respondent Kiawah Development Partners, II, Inc., submitted a letter to the Court indicating its belief that transcripts of a status conference and a presentation of arguments on remand was necessary.

Following receipt of that letter, counsel for the League consulted with counsel for both Respondents and agreed to submit a request for the transcripts. Counsel submitted a request for the transcript on May 9, 2016. After counsel had submitted the transcript request, this Court sent a letter dated May 11, 2016, indicating that counsel would need to file a request to order the transcript and a motion to file out of time, or an amended request to proceed without the transcript with the consent of all parties.

Pursuant to Rule 207, the request for transcript was due April 11, 2016. Counsel for the League hereby requests that this Court grant an Order allowing it to file its request for a transcript out of time.

WHEREFORE, the Appellant Coastal Conservation League requests that the Court of Appeals enter an Order accepting the May 9, 2016 transcript request, despite its failure to comply with Rule 207.



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PROJECT

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Georgetown, South Carolina

May 23, 2016

STATE OF SOUTH CAROLINA

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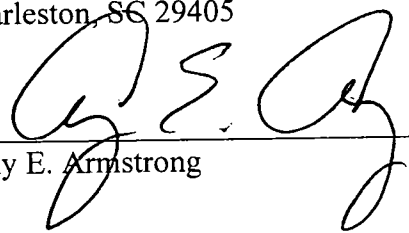
**CERTIFICATE OF SERVICE**

I hereby certify that on this date I served the Coastal Conservation League's Motion to File Out of Time on Kiawah Development Partners II, Inc., and DHEC, by placing copies of the foregoing in the U.S. Mail addressed to:

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Pratt-Thomas/Walker  
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Brad Churdar, Esquire  
DHEC/OCRM  
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Amy E. Armstrong



Georgetown, SC

March 23, 2016