

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Ralph King Anderson, III, Administrative Law Judge

RECEIVED

AUG 30 2016

Appellate Case No. 2016-000707

S.C. SUPREME COURT

Docket No. 09-ALJ-07-00029-CC

Kiawah Development Partners, II,

Petitioner,

v.

South Carolina Department of Health and Environmental Control,

Appellant.

Docket No. 09-ALJ-07-00039-CC

South Carolina Coastal Conservation League,

Appellant,

v.

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

Respondents,

Of Whom

Kiawah Development Partners, II, is

Respondent.

**MOTION FOR EXTENSION OF TIME
TO FILE APPELLANT'S INITIAL BRIEF AND
DESIGNATION OF MATTER**

TO: THE COURT AND COUNSEL FOR ALL PARTIES

PLEASE TAKE NOTICE that, pursuant to Rule 263, SCACR, Appellant South Carolina Department of Health and Environmental Control (“SCDHEC” or the “Department”) respectfully requests a thirty (30) day extension of time to file Appellant’s Initial Brief and Designation of Matter in this matter, making the Department’s deadline for filing its Brief and Designation of Matter September 26, 2016. The basis for this motion is as follows:


This extension is requested due to Appellant counsel’s work load. Counsel is involved in several other heavily-contested, high profile matters that have required significant time commitments for numerous depositions, legal research and brief preparation.

The issues arising from the Administrative Law Court’s thirty page *Amended Final Order and Decision on Remand* and eighteen page *Order Granting Motions for Clarification and Denying Motions for Reconsideration* regarding the ALC’s new factual findings and application of S.C. Code Ann. § 48-39-30(D), S.C. Code Ann. Regs. 30-11 and S.C. Code Ann. Regs. 30-12(C)(1)(d) require counsel to review the nearly 1,700 page trial transcript, the two additional post-Supreme Court Opinion transcripts on remand as well as the six volume, 2,593 page Record on Appeal. Counsel anticipates the Record in this appeal will be at least eight volumes. Because this appeal requires significant preparation, and due to the other above-referenced case demands, counsel has not been able to dedicate the time necessary to prepare the Appellant’s Initial Brief and Designation of Matter in this matter.

WHEREFORE, Appellant SCDHEC respectfully moves this Court for an Order extending the time for filing the Appellant’s Initial Brief and Designation of Matter until September 26, 2016. The Department respectfully requests that all other deadlines be held in abeyance pending the Court’s approval of this extension.

Respectfully submitted,

SOUTH CAROLINA DEPARTMENT OF
HEALTH AND ENVIRONMENTAL CONTROL

By: 

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August 25, 2016
Charleston, South Carolina

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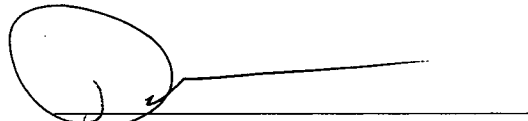
CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this date she has served the Appellant's *2nd Motion for Extension of Time to File Appellant's Initial Brief and Designation of Matter* in this matter upon the following, by placing copies of same in the United States Mail, first class postage prepaid, addressed to:

The Honorable Daniel E. Shearouse
Clerk, South Carolina Supreme Court
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M. Denise Crawford

August 25, 2016