

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

**RECEIVED**  
SEP 15 2016  
SC Court of Appeals

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APPEAL FROM BEAUFORT COUNTY  
Court of Common Pleas  
The Honorable Marvin H. Dukes, III

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Civil Action No.: 2012-CP-07-01394  
Appellate Case No. 2016-000687

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GRAYS HILL BAPTIST CHURCH.....Respondent

-vs-

BEAUFORT COUNTY AND THE UNITED STATES OF AMERICA.....Appellants

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MOTION FOR EXTENSION OF TIME

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Pursuant to the South Carolina Rules of Appellate Procedure 208(a)(3); 240; 263(b); and 267, the United States respectfully moves for a seven day extension of time, until September 26, 2016, for filing its Reply to Respondents Initial Brief in the above-captioned appeal. Counsel for Beaufort County and Counsel for Grays Hill Baptist Church have been contacted and each consent to this request. Respectfully, we believe the United States is exempt from any filing fee associated with this motion.

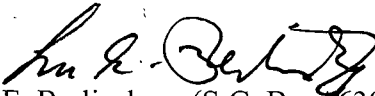
1. This appeal arises from a dispute over the application of zoning laws designed to protect the U.S. Marine Corps Air Station at Beaufort, South Carolina from encroachment by incompatible development, and to protect public safety by minimizing the damage that would result from an air crash. Respondent has sought to construct a new building within an area that has been designated as an Accident Potential Zone II, meaning that it is in an area where there is increased potential for an accident. The Beaufort County Planning Commission and the Beaufort County Zoning Board of Appeals denied respondent the permits or variances necessary

for respondent to proceed with constructing the proposed new building. Respondent challenged those denials in the Court of Common Pleas and the United States intervened to defend those denials.

2. Respondent Grays Hill Baptist Church filed its Initial Brief and served the United States of America by depositing a copy in the U.S. Mail on September 8, 2016, that was received by this appellant on September 9, 2016. Under the present schedule directed by Rule 208(a)(3), Appellants' reply to the initial brief is due within ten (10) days after service on September 19, 2016.

3. The United States respectfully requests a seven day extension of time, to September 26, 2016, for filing its reply brief. The requested extension is necessary to allow adequate time for the government to prepare the reply brief, in consultation with the interested agency.

BETH DRAKE  
ACTING UNITED STATES ATTORNEY

By:   
Lee E. Berlinsky (S.C. Bar #63014)  
Assistant United States Attorney  
151 Meeting Street, Suite 200  
Charleston, South Carolina 29401  
Telephone: (843) 266-1679  
lee.berlinsky@usdoj.gov

September 14, 2016

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CERTIFICATE OF SERVICE

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The undersigned counsel hereby certifies that they have served the Motion for Extension of Time for appellant to reply to respondents initial brief upon all counsel of record by affixing the same with proper postage and placing same with the United States Postal Service on

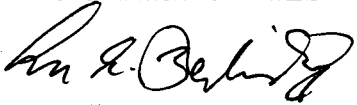
14<sup>th</sup> day of September, 2016 addressed to the following:

H. Fred Kuhn, Jr., Esquire  
Moss, Kuhn & Fleming, P.A.  
Post Office Drawer 507  
Beaufort, SC 29901-0507

Mary Bass Lohr, Esquire  
Howell, Gibson & Hughs, P.A.  
Post Office Box 40  
Beaufort, SC 29901

(Signature Page Only)

Respectfully,  
BETH DRAKE  
ACTING UNITED STATES ATTORNEY

By: 

Lee E. Berlinsky (S.C. Bar #63014)

Assistant United States Attorney

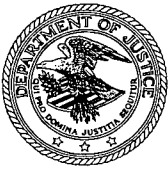
151 Meeting Street, Suite 200

Charleston, South Carolina 29401

Telephone: (843) 266-1679

lee.berlinsky@usdoj.gov

September 14, 2016



U.S. Department of Justice

United States Attorney

District of South Carolina

Wells Fargo Building  
Suite 500  
1441 Main Street  
Columbia, SC 29201  
(803) 929-3000  
FAX (803) 254-2912

151 Meeting Street  
Suite 200  
Post Office Box 978  
Charleston, SC 29402  
(843) 727-4381  
FAX (843) 727-4443

John L. McMillan Federal  
Building, Room 222  
401 W. Evans Street  
Post Office Box 1567  
Florence, SC 29503  
(843) 665-6688  
FAX (843) 678-8809

55 Beattie Place  
Suite 700  
Greenville, SC 29601  
(864) 282-2100  
FAX (864) 233-3158

Reply to: Charleston

September 14, 2016

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SC Court of Appeals

VIA FEDEX

Clerk of Court  
South Carolina Court of Appeals  
1220 Senate Street  
Columbia, SC 29201

Re: **Grays Hill Baptist Church-Appellate Case No. 2016-000687**

Honorable Clerk:

Enclosed you will find a Motion with proof of service for Extension to file a Reply to Respondents Initial Brief by Appellant-United States of America. Included in the FedEx envelope are one original and six copies for the Court. Respectfully, we also ask that the one (1) additional copy be returned in the self-addressed, postage paid envelope.

We are of the understanding that there are no filing fees required by the United States.

Very truly yours,

BETH DRAKE  
Acting United States Attorney

Lee E. Berlinsky  
Assistant United States Attorney  
151 Meeting Street, Suite 200  
Charleston, South Carolina 29401

Enclosures

ORIGIN ID:CHSA (843) 266-1600  
DANA JACOBS

151 MEETING STREET  
SUITE 200  
CHARLESTON, SC 29401  
UNITED STATES US

SHIP DATE: 14SEP16  
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TO CLERK OF COURT  
SOUTH CAROLINA COURT OF APPEALS  
1220 SENATE STREET

COLUMBIA SC 29201

(843) 266-1679

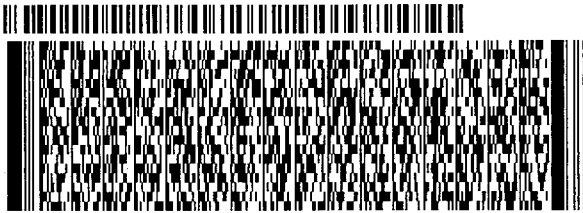
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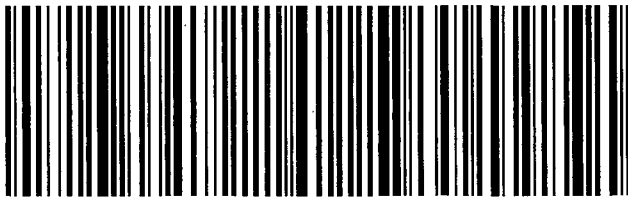
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