

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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S.C. SUPREME COURT

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

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.

**APPELLANTS' JOINT MOTION FOR EXTENSION OF TIME FOR FILING
INITIAL BRIEF AND DESIGNATION OF MATTER OF**

TO: ALL PARTIES AND THE SUPREME COURT:

PLEASE TAKE NOTICE that the Appellants South Carolina Coastal Conservation League and the South Carolina Department of Health and Environmental Control ("DHEC") hereby move the Supreme Court for an Order extending the time for filing their Initial Briefs and Designations of Matter. The Initial Briefs and Designations are due September 26, 2016 and the Appellants seek an extension of thirty (30) days, until October 26, 2016. The basis of this motion is as follows:

Counsel for the Coastal Conservation League and DHEC have not been able to commit the time necessary to conduct research and adequately prepare the briefs. The case arises from an order on remand from the Administrative Law Court. Despite the fact that the case arises from a remand, the underlying order on appeal makes new findings of fact that require reviewing the hearing transcript that is nearly 1,700 pages, as well as numerous exhibits. The case also requires a new Record on Appeal, which counsel anticipates will be at least ten (10) volumes.

Over the last month counsel for the League and DHEC have had multiple legal obligations and deadlines that have interfered with drafting their initial briefs. Counsel for the Coastal Conservation League and DHEC are both involved in preparing for a complex hearing in an appeal of other agency decisions related to the same property at issue in the pending appeal, including reviewing extensive discovery and preparing for and taking depositions. Counsel for the League is also preparing for an upcoming administrative hearing in another unrelated contested case proceeding, and counsel for DHEC has been preparing two proposed orders due in other contested case proceedings.

In addition, counsel for the League had to divert urgent attention to a federal case which required both a motion for a temporary restraining order and a preliminary injunction, taking significant time away from briefing this matter. Counsel for DHEC had to divert urgent attention to a matter involving the implications of the federal Endangered Species Act on an agency decision. These matters collectively have required significant time commitments over the past thirty (30) days, preventing counsel from spending the time necessary to address the important issues raised in this case.

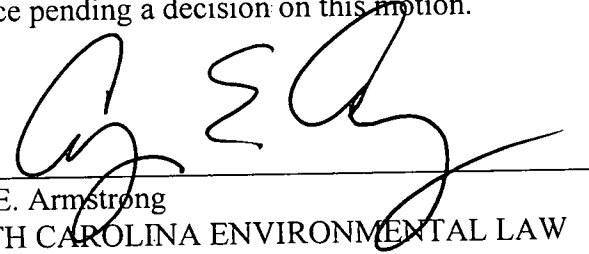
Counsel for the League has also had to assume additional

administrative/financial/management duties because the office administrator who handles these day-to-day duties has been on maternity leave for the past four and a half (4.5) weeks, shifting many of these duties to lead counsel, who is also the executive director of the public interest law firm.

Because this appeal requires significant preparation, and due to other case demands, counsel has not been able to dedicate the time necessary to prepare their Initial Briefs and Designations of Matter and respectfully request a thirty (30) day extension.

Counsel for the Appellants Conservation League and DHEC have consulted with the attorney for the Respondent Kiawah Development Partners, II, Inc., who consent to a fifteen (15) day extension.

WHEREFORE, the Appellants Coastal Conservation League and the S.C. Department of Health and Environmental Control request that this Court issue an order extending the time to file their initial briefs and designations of matter until October 26, 2016. The Appellants further request that the briefing deadline be held in abeyance pending a decision on this motion.



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September 26, 2016

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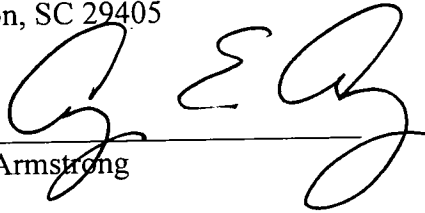
Of Whom Kiawah Development Partners, II, is Respondent.

CERTIFICATE OF SERVICE

I hereby certify that on this date I served the Appellants' Joint Motion for Extension of Time for Filing Initial Briefs 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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September 26, 2016