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OCT 31 2016

S.C. SUPREME COURT

STATE OF SOUTH CAROLINA
IN THE 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**

TO: ALL PARTIES AND THE SUPREME COURT:

PLEASE TAKE NOTICE that the Appellants South Carolina Coastal Conservation League ("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 October 26, 2016 and the Appellants seek an extension of twenty-seven (27) days, until November 22, 2016. The basis of this motion is as follows:

Counsel for the Coastal Conservation League and DHEC have made significant progress on the initial briefs since the last extension request; however, progress on the briefs came to a screeching halt the week of October 3, 2016, when it became evident that Hurricane Matthew would likely impact coastal South Carolina where counsels' offices are located. The offices of counsel for the League, as well as the homes of all three attorneys, were in evacuation zones and under evacuation orders starting Thursday, October 6, 2016. Because some staff members had to travel significant distances, and to avoid congestion, staff evacuated starting Wednesday, October 5. Counsel for the League's office was closed from October 5-10, as a result of the evacuations, flooding and power outage. Counsel for the League's time was further compromised due to loss of power for six days and property damage. Similarly, Counsel for DHEC's offices are located in an evacuation zone and were closed from October 5-10. Counsel for DHEC evacuated with his family during that time, as well.

As a result of the hurricane and associated evacuations, closures, disaster preparedness and responses, deadlines and obligations in other cases were delayed and/or rescheduled, resulting in an approximately two-week backlog.¹

Specific to counsel for the League, the hurricane resulted in major shifting in deadlines. Counsel has sought a preliminary injunction in a federal lawsuit involving the construction of a road in a State Heritage Preserve. Counsel's reply to the motion was due October 10 and the hearing was scheduled for October 12. As a result of the hurricane, those deadlines were pushed back until October 25 for replies and October 28 for the hearing, and will continue to require

¹Counsel notes that this Court's October 10, 2016 Order In Re: Hurricane Matthew reflects the Court's recognition that this extreme and catastrophic weather event significantly impaired the ability of lawyers across the state to meet existing deadlines and legal obligations.

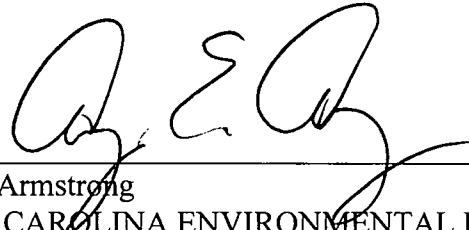
substantial amounts of counsel's time until October 28.

Specific to counsel for DHEC, the agency is responsible for emergency permitting on the beachfront and coastal areas. Due to widespread property damage, including significant beachfront erosion, counsel had to divert attention from briefing this case to responding to issues related to numerous emergency permits reviewed by the Department.

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 twenty-seven (27) day extension. This is the last extension that will be requested by Appellants.

Counsel for the Appellants Conservation League and DHEC have attempted to consult with the attorney for the Respondent Kiawah Development Partners, II, Inc., but have not heard a response. Upon information and belief, counsel for the Respondent likely objects.

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 November 22, 2016. The Appellants further request that the briefing deadline be held in abeyance pending a decision on this motion.



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October 26, 2016



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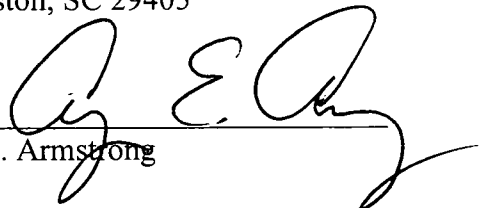
Of Whom Kiawah Development Partners, II, is Respondent.

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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October 26, 2016