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STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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

Appellate Case No. 2016-001758

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DEC 02 2016
SC Court of Appeals

South Carolina Coastal Conservation League and South Carolina
Wildlife Federation Appellants,

vs.

South Carolina Department of Health and Environmental Control
and Horry County Public Works Respondents,

MOTION FOR LEAVE TO FILE OUT OF TIME

TO: THE COURT OF APPEALS AND THE RESPONDENTS

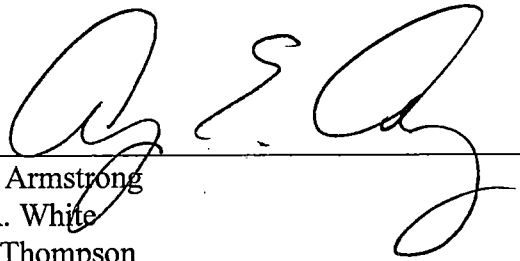
PLEASE TAKE NOTICE that the South Carolina Coastal Conservation League and the South Carolina Wildlife Federation (collectively, "Appellants"), by and through their undersigned attorneys, hereby move the Court, pursuant to S.C. Appellate Court Rule 263, for an order allowing them to file an out-of-time Reply in support of their Petition for Writ of Supersedeas. Respondents consent to the relief requested.

Appellants filed a Petition for Writ of Supersedeas on November 7, 2016, and Horry County Public Works filed a Return on November 16, 2016. Pursuant to Appellate Court Rule 240, Appellants' Reply was due on Wednesday, November 23. However, a number of factors combined to prevent undersigned counsel from filing on that day.

First of all, Horry County's Return was delivered to undersigned's physical office address, rather than to the mailing address on record in this case. As a result, the Return did not arrive at undersigned's office until the day before the Reply deadline, which also happened to be two days before the Thanksgiving holiday. Given the mailing issue and the proximity to a holiday, the Return did not actually land in counsel's hand until Monday, November 28, after the Reply deadline had already passed. Appellants submit that this Motion should be granted on the basis of this late receipt date.

Further, undersigned's awareness of the Return's arrival and ability to comply with the Reply deadline was substantially limited by the fact that Appellants' Initial Brief in this appeal was also due on Wednesday, November 23. Even if undersigned had received Horry County's Return on Tuesday, November 22, it would have been impossible to meet the Reply deadline on the following day, as counsel was fully engaged with finalizing Appellants' Initial Brief. Given the corresponding Initial Brief deadline, undersigned would have needed a Reply deadline extension regardless of the circumstances of mailing. However, the delay in receipt described above prevented undersigned from being able to file for that extension prior to the deadline passing.

Under the circumstances, Appellants request an extension of the five-day reply deadline in Rule 240(f). Specifically, Appellants request permission to file their Reply on or before Thursday, December 1, 2016, which is only three days after counsel actually received the Return. Appellants submit that such relief is appropriate under the circumstances laid out herein. Respondents consent to the out-of-time Reply.



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November 29, 2016

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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Ralph King Anderson, III, Administrative Law Judge

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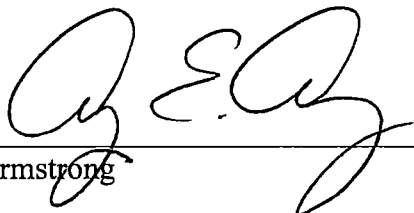
CERTIFICATE OF SERVICE

I hereby certify that on this date I served Respondents with Appellants' Motion for Leave to File Out of Time by placing copies of same in the U.S. Mail addressed to:

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Amy E. Armstrong

Georgetown, South Carolina

November 29, 2016



South Carolina Environmental Law Project

Lawyers for the Wild Side of South Carolina

November 29, 2016

a 501c3
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Clerk, S. C. Court of Appeals
P. O. Box 11629
Columbia, S. C. 29211

RE: SC Coastal Conservation League and SC Wildlife
Federation v. SCDHEC and Horry County Public Works
Appellate Case No. 2016-001758

Dear Ms. Kitchings:

Enclosed for filing, please find the original and seven (7) copies of the Appellants' Motion for Leave to File Out of Time, along with my certificate of service.

Please return a clocked-in copy in the enclosed, postage-paid envelop. Thank you for your assistance.

Yours very truly,


Amy E. Armstrong

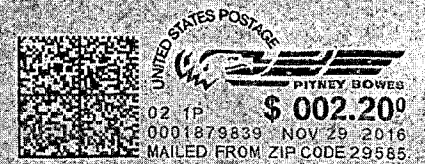
cc: Stan Barnett, Esq.
Michael Traynam, Esq.
Nathan Haber, Esq.

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SC Court of Appeals

Environmental Law Project
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Pawleys Island, SC 29585



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Honorable Jenny Abbott Kitchings
Clerk of Court, SC Court of Appeals
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