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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT
Ralph K. Anderson, III, Chief Administrative Law Judge

Case No. 2016-001758

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

v.

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

RESPONDENT SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL'S MOTION FOR EXTENSION OF TIME TO FILE INITIAL BRIEF OF RESPONDENT AND DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL

TO: THE COURT AND COUNSEL FOR ALL PARTIES:

PLEASE TAKE NOTICE that, pursuant to Rule 263, SCACR, Respondent South Carolina Department of Health and Environmental Control (the "Department" or "DHEC"), hereby respectfully moves before this Court for an Order extending the time for filing the Initial Brief of Respondent and Designation of Matter to be Included in the Record on Appeal. The deadline for submission of the Initial Brief of Respondent and Designation of Matter to be Included in the Record on Appeal is December 23, 2016. The Department respectfully requests an extension of thirty (30) days in which to file its brief, thereby making the Department's deadline for filing its Initial Brief and Designation of Matter to be Included in the Record on Appeal January 23, 2017.

This extension is requested as Department's counsel has been unable to properly and timely respond to the Appellants' Initial Brief as it has not yet been accepted by this Court as filed. On November 23, 2016, Appellants' filed their Initial Brief and Designation of Matter to be Included in the Record on Appeal, along with a Motion to Exceed Page Limit for Initial Brief. As of this date, this Court has not ruled on the Appellants' Motion to Exceed Page Limit for Initial Brief. Therefore, the Department's counsel cannot properly prepare its Initial Brief in response as it is unclear which issues the Appellants' Initial Brief will actually contain until the Motion to Exceed Page Limit is either granted or denied.

Additionally, the original due date of the Department's Brief is December 23, 2016, which is a state holiday, thereby making the Initial Brief of Respondent due on December 28, 2016. In light of the state holidays for Christmas and in order to prevent counsel having to work through the holiday season, counsel for the Department would respectfully request that the Department's Initial Brief be extended until January 23, 2017.

At present, counsel for the Department and counsel for Respondent Horry County contemplate coordinating on a joint brief in this matter. Counsel for Horry County has recently filed a motion for extension as well, and this motion is filed out of an abundance of caution to provide an extension of time to file for both the County and the Department.

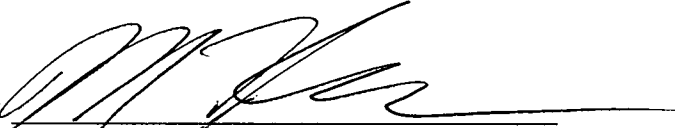
WHEREFORE, the Department respectfully moves this Court for an Order extending the time for filing the Initial Brief of Respondent and Designation of Matter to be Included in the Record on Appeal until January 23, 2017. The Department respectfully requests that all other deadlines be held in abeyance pending the Court's approval of this extension.

[signature page to follow]

Respectfully Submitted,

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By: 
Attorneys for Respondent SCDHEC

December 9, 2016
Charleston, South Carolina

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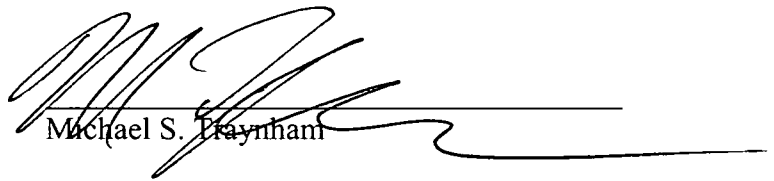
South Carolina Department of Health and Environmental
Control and Horry County Public Works,..... Respondents.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that he has this 8th day of December, 2016, served the *Respondent South Carolina Department of Health and Environmental Control's Motion for Extension to file Respondent's Initial Brief and Designation of Matter* via U.S. First Class Mail, postage pre-paid to the following:

Amy E. Armstrong, Esquire
Michael G. Corley, Esquire
Amelia A. Thompson, Esquire
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Michael S. Praynham

December 9, 2016
Charleston, South Carolina



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SC Court of Appeals

December 9, 2016

The Honorable Jenny Abbott Kitchings
Clerk, S.C. Court of Appeals
P.O. Box 11629
Columbia, S.C. 29211

Re: South Carolina Coastal Conservation League and South Carolina Wildlife
Federation vs. South Carolina Department of Health and Environmental
Control and Horry County Public Works
Appellate Case No. 2016-001758; OGC #22525

Dear Ms. Kitchings:

Please find enclosed the original and seven (7) copies of the Respondent South Carolina Department of Health and Environmental Control's Motion for Extension of Time to File Initial Brief of Respondent and Designation of Matter to be Included in the Record on Appeal in the above referenced case.

All parties have graciously consented to this request.

I would appreciate your staff returning a clocked copy in the enclosed envelope.

Very truly yours,


Michael S. Traynham
Assistant General Counsel

cc: Amy E. Armstrong, Esquire
Michael G. Corley, Esquire
Amelia Thompson, Esquire
Jessie White, Esquire
Stanley E. Barnett, Esquire

22525

