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JAN 17 2017
SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

H. W. Funderburk, Jr., Administrative Law Judge

Case No. 2016-002136

Gene B. Schwiers,..... Respondent,

v.

South Carolina Department of Health and
Environmental Control and Stewart W. Heath,..... Respondent,

Of whom

South Carolina Department of Health and Environmental Control is.....Respondent,

and

Stewart W. Heath is.....Appellant.

**MOTION FOR EXTENSION OF TIME
TO FILE RESPONDENT’S INITIAL BRIEF AND
DESIGNATION OF MATTER**

TO: THE COURT AND COUNSEL FOR ALL PARTIES

PLEASE TAKE NOTICE that, pursuant to Rule 263, SCACR, Appellant South Carolina Department of Health and Environmental Control (“SCDHEC” or the “Department”) respectfully requests a thirty (30) day extension of time to file Respondent’s Initial Brief and

✓

Designation of Matter in this matter, making the Department's deadline for filing its Brief and Designation of Matter February 13, 2017. The basis for this motion is as follows:

This extension is requested due to Respondent's counsel's work load. Counsel just returned from long standing vacation plans and was in depositions immediately upon his return. As such, Counsel has not had adequate time to prepare the Respondent's Initial Brief and Designation of Matter in this matter.

The counsel for Appellant has graciously consented to this extension request.

WHEREFORE, Respondent SCDHEC respectfully moves this Court for an Order extending the time for filing the Respondent's Initial Brief and Designation of Matter until February 13, 2017. The Department respectfully requests that all other deadlines be held in abeyance pending the Court's approval of this extension.

Respectfully submitted,

SOUTH CAROLINA DEPARTMENT OF
HEALTH AND ENVIRONMENTAL CONTROL

By: 

Bradley D. Churdar, Chief Counsel
South Carolina Department of Health
and Environmental Control
1362 McMillan Avenue, Suite 400
Charleston, SC 29405
(843) 953-0213
(843) 953-0201 (fax)
Attorney for Respondent SCDHEC

January 11, 2017
Charleston, South Carolina

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this date he has served the Respondent, South Carolina Department of Health and Environmental Control's *Motion for Extension of Time to File Respondent's Initial Brief and Designation of Matter* in this matter upon the following, by placing copies of same in the United States Mail, first class postage prepaid, addressed to:

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, SC 29211

E. LeRoy Nettles, III
Nettles, Turbeville & Reddeck
Post Office Box 699
Lake City, SC 29560

Gene B. Schwiens
4 East Cleveland Bay Ct.
Greenville, SC 29615

A handwritten signature in black ink, reading "Brad Churdar". The signature is written in a cursive style with a long, sweeping underline that extends to the right.

Bradley D. Churdar

January 11, 2017



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The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, SC 29211

Re: Gene Schwiers v. SCDHEC and Stewart Heath
Case Tracking No. 2016-002136

Dear Ms. Kitchings:

Please find enclosed the original and seven (7) copies of the Department's Motion for Extension of Time to File Respondent's Initial Brief and Designation of Matter in the above referenced case. I would appreciate your returning a clocked copy in the enclosed envelope.

E. LeRoy Nettles, III, attorney for the Appellant has graciously consented to this request. By copy of this letter, I am notifying all parties of this request.

Please address all correspondence in this matter to my attention at 1362 McMillan Avenue, Suite 400, Charleston, South Carolina 29405.

Thank you for your attention in this matter.

Very truly yours,

Bradley D. Churdar
Chief Counsel

BDC/mdc

cc: E. LeRoy Nettles, III, Esquire
Gene B. Schwiers

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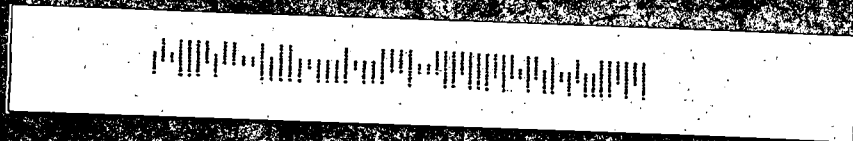
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