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Greene, Diane

MAR 31 2017

From: Kitchings, Jenny
Sent: Monday, April 03, 2017 9:56 AM
To: Greene, Diane
Cc: Amick - Cassidy, Monica
Subject: FW: Pickens County v. SCDHEC & MRR, Appellate Case No. 2017-000066

SC Court of Appeals

From: King, Jessica [mailto:jking@williamsmullen.com]
Sent: Friday, March 31, 2017 4:49 PM
To: Kitchings, Jenny
Cc: Robert F. Goings; amelia@scelp.org; McAlister, Kip; Prince, Claire; Gary Poliakoff; Williams Linen, Etta
Subject: RE: Pickens County v. SCDHEC & MRR, Appellate Case No. 2017-000066

Ms. Kitchings – As counsel for MRR Pickens, LLC, I concur with Ms. Linen’s assessment of the time frames and communications from opposing counsel. On March 29, 2016, MRR Pickens, LLC notified the parties that it does not consent to the Motion to be Included as Appellants. MRR will be filing a written response to the Motion in the near future.

Sincerely,
Jessica J. O. King
Counsel for MRR Pickens, LLC

From: Williams Linen, Etta [mailto:WILLIAER@dhec.sc.gov]
Sent: Friday, March 31, 2017 4:28 PM
To: jkitchings@sccourts.org
Cc: King, Jessica <jking@williamsmullen.com>; Robert F. Goings <rgoings@goingslawfirm.com>; amelia@scelp.org; McAlister, Kip <kmcaster@williamsmullen.com>; Prince, Claire <PrinceCH@dhec.sc.gov>
Subject: Fw: Pickens County v. SCDHEC & MRR, Appellate Case No. 2017-000066
Importance: High

3/31/2017

Ms. Kitchings,

Due to the short turnaround sometimes between the filing of a Motion and the granting or denial of a Motion in this Court, this is the Department's unofficial notification to the Court of Appeals that both DHEC and MRR Pickens **object** to the attached Intervenor's Motion to Be Included As Appellant's in the above-referenced matter. If you review this e-mail chain, you will see that Ms. Jessie King responded in the negative to Ms. Amelia Thompson's 4:04 PM e-mail request, sent on March 29th requesting consent to intervene, at 4:51 PM on that same day, which is the same day the Motion was filed. I also responded in the negative to the 4:04 PM e-mail sent on March 29th from Ms. Thompson, the next day (March 30th) at 10:32 AM. Both Ms. King and I did not consent to the request to intervene and our responses still stand. I am unsure how Ms. Thompson was unable to determine whether at least one Respondent (MRR) had consented to the Motion at the time of filing, when Ms. King responded on the same day the e-mail was sent to her with not much time between the request and response. Please note that as far as I know, the 4:04 PM e-mail that was sent to Ms. King and myself on March 29th was proposed Intervenor's only attempt to request Respondent's consent from Respondents.

I will place all of this information in the form of a letter or a Motion in Opposition, but wanted to make the Court aware of this situation as soon as possible since the granting (or denying) of Motions can sometimes occur rather quickly.

Thank you for your consideration.

Sincerely,

Etta R. Williams Linen, Esquire
Assistant General Counsel
SC Department of Health and Environmental Control
2600 Bull Street
Columbia, SC 29201
Office: 803-898-3350
Fax: 803-898-3367

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From: Williams Linen, Etta
Sent: Thursday, March 30, 2017 10:32 AM
To: King, Jessica; Amelia Thompson; rgoings@goingslawfirm.com
Cc: McAlister, Kip
Subject: Re: Pickens County v. SCDHEC & MRR, Appellate Case No. 2017-000066

DHEC agrees with MRR's response. DHEC does not consent. __ ETTA

Etta R. Williams Linen, Esquire
Assistant General Counsel
SC Department of Health and Environmental Control
2600 Bull Street
Columbia, SC 29201
Office: 803-898-3350
Fax: 803-898-3367

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From: King, Jessica <jking@williamsmullen.com>
Sent: Wednesday, March 29, 2017 4:51:12 PM
To: Amelia Thompson; rgoings@goingslawfirm.com; Williams Linen, Etta
Cc: McAlister, Kip
Subject: RE: Pickens County v. SCDHEC & MRR, Appellate Case No. 2017-000066

Amelia - No, MRR will not consent. The Administrative Law Court was clear that it could not rule on the intervenors motion to intervene unless it found jurisdiction. Since there was no jurisdiction on a late appeal, there was no case for them to intervene in. They are not parties and we will not consent to them joining in the appeal.

Thanks,
Jessie King

-----Original Message-----

From: Amelia Thompson [<mailto:amelia@scelp.org>]
Sent: Wednesday, March 29, 2017 4:04 PM
To: King, Jessica <jking@williamsmullen.com>; rgoings@goingslawfirm.com; WILLIAER@dhec.sc.gov
Subject: Pickens County v. SCDHEC & MRR, Appellate Case No. 2017-000066

Counsel,

Would DHEC and MRR consent to adding the proposed intervenors from the ALC case to the appeal?

Best,
Amelia

--
Amelia A. Thompson
Staff Attorney
S.C. Environmental Law Project
P.O. Box 1380
Pawleys Island, SC 29585
Phone: (843) 527-0078
FAX: (843) 527-0540
amelia@scelp.org