

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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APR 12 2017

APPEAL FROM THE ADMINISTRATIVE LAW COURT SC Court of Appeals
Shirley C. Robinson, Administrative Law Judge

Appellate Case No. 2017-000066
Case No. 16-ALJ-07-0164-CC

Pickens County,.....Appellant,

v.

South Carolina Department of Health
and Environmental Control and
MRR Pickens, LLC,.....Respondents,

**RESPONDENT MRR PICKENS, LLC'S RESPONSE IN OPPOSITION
TO APPELLANT PICKENS COUNTY'S THIRD REQUEST FOR EXTENSION OF TIME
FOR FILING INITIAL BRIEF AND DESIGNATION OF MATTER**

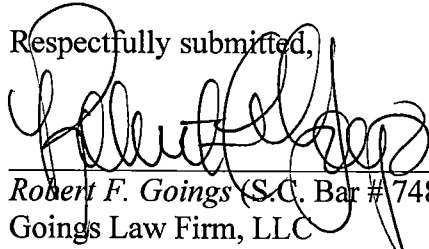
TO: GARY J. POLIAKOFF, ESQUIRE, AND AMY E. ARMSTRONG, ESQUIRE,
ATTORNEYS FOR APPELLANT PICKENS COUNTY AND INTERVENORS/MOVANTS

NOW COMES Respondent MRR Pickens, LLC ("MRR Pickens"), by and through their
counsels, submit this Response in Opposition to Appellant Pickens County's ("Appellant") Third
Request for Extension of Time for Filing Initial Brief and Designation of Matter ("Third Motion").
Pursuant to Order dated March 15, 2017, regarding Appellant's second motion for extension, the South
Carolina Court of Appeals stated "[n]o further extensions will be granted absent extraordinary
circumstances." No extraordinary circumstances exist or have been cited Appellant's Third Motion.
Finally, Appellants' state the reason for the motion is that they are waiting on the Court of Appeals to
rule on the Intervenor's Motion to be Added as Appellants. However, Intervenor/Appellants could
have filed a Motion to be Added as Appellants with the original Notice of Appeal but for reasons
unknown did not move to be added until after the first and second deadlines for the Initial Brief and

Designation of Matter had run. For the above stated reasons, it appears this Third Motion for an extension is interposed for delay. Therefore, MRR Pickens respectfully requests the Court deny Appellants Third Motion.

To the extent the Court may consider Intervenors' Motion to be Included as Appellants¹, this should not prevent Appellant Pickens County from filing its initial brief as required by Rule 208, SCACR. There is no prejudice to Appellants or Intervenors if this Third Motion for extension is denied because Intervenors would presumably be allowed to submit a brief to the Court at a later date if added as Appellants. Thus, this Third Motion should be denied.

Respectfully submitted,



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**ATTORNEYS FOR RESPONDENT
MRR PICKENS, LLC**

April 12, 2017

¹ MRR Pickens opposes Intervenors' Motion to be Included as Appellants and requests the motion be denied for the reasons set forth in it and Respondent South Carolina Department of Health and Environmental Control's Joint Response in Opposition to Intervenors' Motion to be Included as Appellants.

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CERTIFICATE OF SERVICE

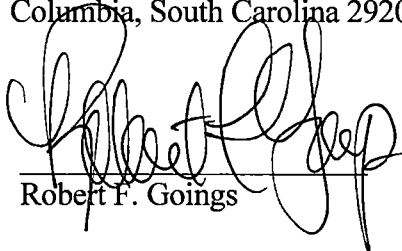
I hereby certify that on this date I served the foregoing Respondent MRR Pickens, LLC's Response in Opposition to Appellant's Pickens County's Third Request for Extension of Time for Filing Initial Brief and Designation of Matter on Respondent DHEC and Appellant Pickens County, by placing copies of the same in the U.S. Mail addressed to:

Amy E. Armstrong
Amelia A. Thompson
S.C. Environmental Law Project
P.O. Box 1380
Pawleys Island, South Carolina 29585

Michael G. Corley
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Robert F. Goings

April 12, 2017



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April 12, 2017

VIA HAND-DELIVERY

The Honorable Jenny Abbott Kitchings
South Carolina Court of Appeals
Clerk of Court
1220 Senate Street
Columbia, SC 29201

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SC Court of Appeals

Re: Pickens County v. South Carolina Department of Health and Environmental
Control and MRR Pickens, LLC
Appellate Case No.: 2017-000066


Dear Ms. Kitchings:

Please find enclosed for filing the original and seven (7) copies of Respondent MRR Pickens, LLC's Response in Opposition to Appellant Pickens County's Third Request for Extension of Time for filing Initial Brief and Designation of Matter in the above-referenced matter. Please return the filed, stamped copy to me via courier.

By copy of this letter, the enclosures are being forwarded for service upon all counsel.

Thank you for your time and assistance. Should you have any questions or concerns, please do not hesitate to contact me.

Sincerely,


Robert F. Goings

RFG:lcc
Enclosures

cc: Gary W. Poliakoff, Esquire
Amy E. Armstrong, Esquire/Amelia A. Thompson, Esquire/Michael G. Corley, Esquire
Etta Linen, Esquire
Jessica J. O. King, Esquire/A. Keith McAlister, Jr., Esquire