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THE STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

John D. McLeod, Administrative Law Judge

Case No. 09-ALC-07-0069-CC

Town of Arcadia Lakes, Robert L. Jackson, Linda Z. Jackson, Robert E. Williams, Barbara S. Williams, Elizabeth M. Walker, Louis E. Spradlin, Mary Helen Spradlin, Thomas Hutto Utsey, Tony Sinclair, Aaron Small, Bette Small, Gene F. Starr, M.D., Elaine J. Starr, Sanford T. Marcus, Ruth L. Marcus, and Steven Brown, Petitioners,

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Of Which Town of Arcadia Lakes is the Appellant/Respondent,

SEP 22 2017

v.

SC Court of Appeals

South Carolina Department of Health and Environmental Control, Respondent, and Roper Pond, LLC, Respondent/Appellant.

JOINT MOTION FOR EXTENSION OF TIME FOR FILING INITIAL BRIEFS

PLEASE TAKE NOTICE that the Appellant/Respondent Town of Arcadia Lakes (the "Town"), and Respondent/Appellant Roper Pond, LLC, ("Roper Pond") hereby jointly move the Court of Appeals for an Order extending the time for filing their Initial Briefs. The Initial Briefs are due September 21, 2017 and the Town and Roper Pond jointly seek an extension of thirty (30) days, until October 23, 2017. The basis of this motion is as follows:

Since the first motion for an extension was filed, counsel for both the Town and Roper Pond have spent significant time on the matters surrounding this appeal. On July 14, 2017, the

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Town filed a motion for stay in the Administrative Law Court (“ALC”), prompting Roper Pond’s response followed by the Town’s reply. The ALC conducted a hearing on the Town’s motion on August 8, 2017, and issued an Order holding in abeyance its mandate to pay attorneys fees, costs and sanctions by a specified date on August 14, 2017. On August 22, the ALC issued an Order denying the Town’s motion for stay, and on August 29, the ALC issued an Amended Order on the Town’s motion for stay. Thereafter, the Town and Roper Pond initiated discussions in an effort to resolve this appeal

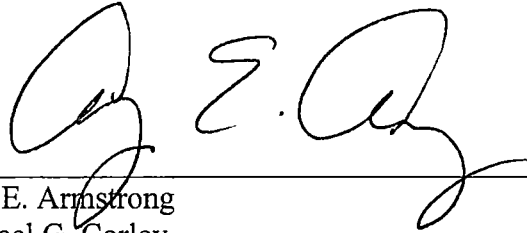
In the interim, on September 13, 2017, the Town filed a petition for supersedeas with this Court, seeking to stay the effect of the ALC Orders on appeal. Roper Pond’s return to the petition is due September 25, 2017, and the Town’s reply will be due October 2, 2107. As a result of the aforementioned motions, responses, negotiations and hearing, counsel have not been able to commit the time necessary to brief the issues involved in this appeal.

Finally, a chance that the issues may be resolved without the need for briefing this appeal exists on the date this motion is being filed. Counsel for the Town anticipates that if a resolution is possible, that information should be known during the extension request in this motion.

Counsel requested the Respondent SCDHEC’s consent to this motion on September 18, 2017, and has not received a response; however, the issues in this appeal do not involve the Respondent SCDHEC and counsel for the Town and Roper Pond do not anticipate that the SCDHEC will be submitting briefs in this appeal.

WHEREFORE, the Appellant/Respondent Town of Arcadia Lakes and Respondent/Appellant Roper Pond, LLC, request that the Court of Appeals enter an order extending the time for filing their Initial Briefs until October 23, 2017.

Respectfully submitted,



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September 20, 2017

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM THE ADMINISTRATIVE LAW COURT
John D. McLeod, Administrative Law Judge

Appellate Case No. 2017-001554

Town of Arcadia Lakes, Robert L. Jackson, Linda Z. Jackson, Robert E. Williams, Barbara S. Williams, Elizabeth M. Walker, Louis E. Spradlin, Mary Helen Spradlin, Thomas Hutton Utsey, Tony Sinclair, Aaron Small, Bette Small, Gene F. Starr, M.D., Elaine J. Starr, Sanford T. Marcus, Ruth L. Marcus, and Steven Brown, Petitioners,

Of Which Town of Arcadia Lakes is the Appellant/Respondent,

vs.

South Carolina Department of Health and Environmental Control, Respondent, and Roper Pond, LLC, Respondent/Appellant.

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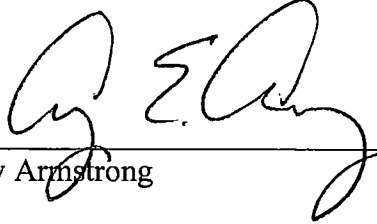
SC Court of Appeals

CERTIFICATE OF SERVICE

I hereby certify that on this date I served Respondents Roper Pond, LLC and SCDHEC with the Joint Motion for Extension of Time for Filing Initial Briefs by placing copies of same in the U.S. Mail addressed to:

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Columbia, SC 29201

Joan Hartley, Esq. & Tommy Lavendar, Esq.
Nexsen Pruet, LLC
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Columbia, SC 29201



Amy Armstrong

Georgetown, South Carolina

September 20, 2017



South Carolina Environmental Law Project

Lawyers for the Wild Side of South Carolina

September 20, 2017

a 501c3
non-profit organization

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

RE: Town of Arcadia Lakes, et al. v. Roper Pond, LLC, et al.
Appellate Case No. 2017-001554

Dear Ms. Kitchings:

Enclosed for filing, please find the original and seven (7) copies of the Town of Arcadia Lakes and Roper Pond, LLC's Joint Motion for Extension of Time for Filing Initial Briefs, along with my certificate of service and filing fee.

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

Yours very truly,

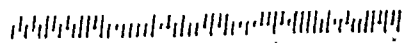

Amy Armstrong

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SEP 22 2017

SC Court of Appeals

cc: Stephen Hightower, Esq.
Joan Hartley, Esq.
Tommy Lavender, Esq.



*S.C. Environmental Law Project
Post Office Box 1380
Pawleys Island, SC 29585*



Honorable Jenny Abbott Kitchings
Clerk, Court of Appeals
P.O. Box 11629
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