

84934

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

RECEIVED  
OCT 25 2017  
SC Court of Appeals

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,

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

v.

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

**JOINT MOTION FOR EXTENSION OF TIME  
FOR FILING INITIAL BRIEF**

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 and Designations of Matter. The Town and Respondent/Appellant Roper Pond, LLC's ("Roper Pond") Initial Briefs are due October 23, 2017 and the parties jointly seek an extension of fifteen (15) days, until November 7, 2017.

However, the Town believes that a full thirty (30) days is needed, and therefore separately moves for an additional extension until November 23, 2017. The basis for the Town's request of

✓

thirty (30) days is that a family member of counsel for the Town experienced a serious personal crisis on October 12, 2017. That personal crisis required counsel to divert a significant amount of time, energy and resources to help the family member, his wife and children stabilize.

Counsel for the Town has been helping the family in the aftermath of this difficult situation for the past week, which has diverted her time and energy from working on the Initial Brief in this matter.

Counsel appreciates Roper Pond's agreement to a joint fifteen (15) day extension; however, counsel is concerned that due to other existing obligations over the next two weeks she will be unable to focus the time and energy needed to adequately brief the issues in this case. Those existing obligations include travel to Columbia each of the next two weeks for meetings (Oct. 26-27); a mandatory training school for municipal judges (Nov. 1); and moderating a panel for the ABA Real Property, Trust & Estate Law Journal's Takings and Coastal Management Symposium (Nov. 2). In addition, counsel's public interest organization is holding its annual fundraising event on November 4, with an anticipated attendance of 350, which will require significant time and energy leading up to and through that date. For these reasons, counsel believes that fifteen (15) days would be unrealistic for completing the brief, and therefore requests a thirty (30) day extension.

Finally, as this court is aware, counsel for both the Town and Roper Pond have spent significant time on the matters surrounding this appeal, including filing a petition for supersedeas and a motion for clarification. The issues raised in those filings are critical to the Town's financial status and health, and its replies to Roper Pond's returns to both the petition and the

motion are due on October 27. This deadline poses further conflicts to focusing attention on the initial brief.

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 and Designations of Matter until November 7, 2017, and the Town independently requests that the Court of Appeals enter an order extending the time for filing the Initial Briefs and Designations until October 23, 2017.

Respectfully submitted,



Amy E. Armstrong  
SOUTH CAROLINA ENVIRONMENTAL LAW  
PROJECT

Mailing address: Post Office Box 1380  
Pawleys Island, SC 29585

Office address: 430 Highmarket Street  
Georgetown, SC 29440

Telephone (843) 527-0078

Email [amy@scelp.org](mailto:amy@scelp.org)

Terry E. Richardson, Jr.  
Richardson, Patrick, Westbrook & Brickman, LLC

Mailing address: P.O. Box 1368  
Barnwell, SC 29812

Email [trichardson@rpwb.com](mailto:trichardson@rpwb.com)

Georgetown, South Carolina

October 23, 2017

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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

RECEIVED

OCT 25 2017

SC Court of Appeals

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.

**CERTIFICATE OF SERVICE**

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

Stephen Hightower, Esquire  
DHEC Office of Counsel  
2600 Bull Street  
Columbia, SC 29201

Joan Hartley, Esq. & Tommy Lavendar, Esq.  
Nexsen Pruet, LLC  
1230 Main Street, Suite 700  
Columbia, SC 29201

  
Amy Armstrong

Georgetown, South Carolina

October 23, 2017



# South Carolina Environmental Law Project

Lawyers for the Wild Side of South Carolina

October 23, 2017

a 501c3  
non-profit organization

**Amy E. Armstrong**  
Executive Director  
**Michael G. Corley**  
Staff Attorney  
**Amelia A. Thompson**  
Staff Attorney  
**Jessie A. White**  
Staff Attorney

**MAIN OFFICE**  
430 Highmarket Street  
Georgetown, SC 29440

**MAILING ADDRESSES**  
P.O. Box 1380  
Pawleys Island, SC 29585

P.O. Box 5761  
Greenville, SC 29606

(843) 527-0078  
(864) 412-7921  
Fax (843) 527-0540  
E-mail: amy@scelp.org  
michael@scelp.org  
amelia@scelp.org  
jessie@scelp.org

**BOARD OF DIRECTORS**

**Greg VanDerwerker, MD**  
Chairperson

John Barton, Esq.  
Barbara Burgess  
Nancy Cave  
Frances Close  
John Mark Dean, PhD  
Paula Feldman, PhD  
Susan Hilfer  
Gary W. Poliakoff, Esq.  
Nancy Vinson  
Wendy Zara

**BOARD MEMBER EMERITI**

Daryl Hawkins, Esq.  
Robert Schofield

**ADVISORY COUNCIL**

Josh Eagle, Esq.

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.

RECEIVED

OCT 25 2017

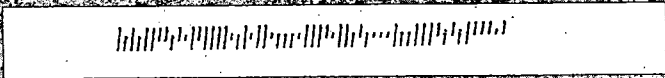
SC Court of Appeals

Yours very truly,

  
Amy Armstrong

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  
Columbia, SC 29211

RECEIVED  
09/25/2011  
SC Court of Appeals