

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

John D. McLeod, Administrative Law Judge

Appellate Case No. 2017-000161

Case No. 2015-ALJ-07-0579-CC

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OCT 30 2017

SC Court of Appeals

Sunset Cay, LLC, Appellant,

v.

South Carolina Department of Health and Environmental Control Respondent.

**MOTION FOR EXTENSION OF TIME
TO FILE RESPONDENT'S FINAL BRIEF**

TO: THE COURT AND COUNSEL FOR ALL PARTIES

PLEASE TAKE NOTICE that, pursuant to Rule 263, SCACR, Respondent South Carolina Department of Health and Environmental Control ("SCDHEC" or the "Department") respectfully requests a twenty (20) day extension of time to file Respondent's Final Brief in this matter, starting after Appellant serves the corrected Record on Appeal ("ROA" or "Record"). The basis for this motion is as follows:

Rule 210, SCACR states that "[t]he Record on Appeal shall include all matter designated to be included by any party ..." Although the Department designated the Administrative Law



Court's January 4, 2017 *Second Amended Order of Dismissal* for inclusion in the Record on Appeal, this Order was not included in the ROA Appellant submitted on October 13, 2017. The Department references the *Second Amended Order of Dismissal* throughout its Initial Brief and cannot complete the Final Brief without being able to identify the Order in the ROA.

Respondent notified the Appellant of the error and Appellant does not object to this extension request.

WHEREFORE, Respondent SCDHEC respectfully moves this Court for an Order extending the time for filing the Respondent's Final Brief until twenty (20) days after Appellant serves the corrected Record on Appeal. 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

October 25, 2017
Charleston, South Carolina

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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Sunset Cay, LLC, Appellant,

v.

South Carolina Department of Health and Environmental Control Respondent.

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 Final Brief* 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

Thomas R. Goldstein, Esquire
Belk, Cobb, Infinger and Goldstein
Post Office Box 71121
Charleston, SC 29415-1121



Bradley D. Churdar

October 25, 2017



October 25, 2017

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

Re: Sunset Cay, LLC v. SCDHEC
Case Tracking No. 2017-000161

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 Final Brief in the above referenced case. I would appreciate your returning a clocked copy in the enclosed envelope.

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

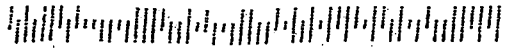
BDC/mdc

cc: Tommy Goldstein, Esquire

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SC Court of Appeals



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SC Court of Appeals

The Honorable Jenny Abbott Kitchings
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