

STATE OF SOUTH CAROLINA
IN THE
SUPREME COURT

Appeal from the Administrative Law Court
Honorable Ralph King Anderson, III, Administrative Law Judge
Case No. 04-ALC-07-0126-CC

South Carolina Court of Appeals
414 S.C. 581, 779 S.E.2d 805 (Ct.App. 2015)

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S.C. SUPREME COURT

Sierra Club,

Respondent,

v.

South Carolina Department of Health and
Environmental Control and Chem-Nuclear
Systems, LLC,

Defendants,

Of whom Chem-Nuclear Systems, LLC, is the

Petitioner.

MOTION FOR EXTENSION OF TIME TO FILE
BRIEF OF PETITIONER ON CERTIORARI AND APPENDIX

Stephen P. Groves, Sr., Esquire
Mary D. Shahid, Esquire
Sara S. Rogers, Esquire
NEXSEN PRUET, LLC
205 King Street, Suite 400
Charleston, South Carolina 29401
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Attorneys for the Petitioner,
Chem-Nuclear Systems, LLC

TO: THE HONORABLE JUSTICES OF THE SOUTH CAROLINA
SUPREME COURT:

COMES NOW the Petitioner, Chem-Nuclear Systems, LLC ("Chem-Nuclear"), pursuant to Rules 240 and 242(g), SCACR, and respectfully requests this Supreme Court to grant it a thirty-day (30) extension of time in which to file the *Brief of the Petitioner on Certiorari* and additional copies of the *Appendix* herein.

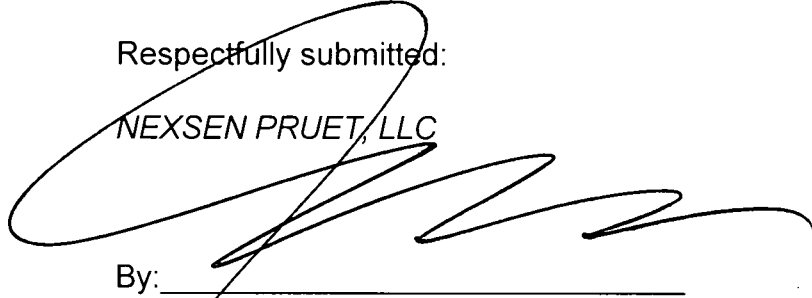
The basis for this motion is that the appellate counsel for Chem-Nuclear is presently involved in several other appellate and trial matters and needs the additional time in which to complete the *Brief of the Petitioner on Certiorari* and additional copies of the *Appendix*, as well as to enable client review and comment. In addition, the present scheduling time frame overlaps the upcoming Thanksgiving holidays necessitating additional time.

Based upon the current briefing schedule Chem-Nuclear's *Brief of the Petitioner on Certiorari* and additional copies of the *Appendix* are currently due on or before Monday, 27 November 2017 (the 30th day falls on Saturday, 25 November 2017). Consequently, anticipating a favorable reception and subsequent grant of this motion, Chem-Nuclear's *Brief of the Petitioner on Certiorari* and additional copies of the *Appendix* would then be due on or before Wednesday, 27 December 2017.

Finally, Chem-Nuclear also respectfully requests this Supreme Court to hold the briefing time in abeyance until such time as this motion may be considered and ruled upon. As an aside, legal counsel for the Respondent, Sierra Club, has consented to this proposed motion.

Respectfully submitted:

NEXSEN PRUET, LLC



By: _____

Stephen P. Groves, Sr., Esquire

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*Attorneys for the Petitioner,
Chem-Nuclear Systems, LLC*

Charleston, South Carolina

2 November 2017

NPCOLI:6312228.1-MO-(SPG) 049893-00002

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S.C. SUPREME COURT

**STATE OF SOUTH CAROLINA
IN THE
SUPREME COURT**

Appeal from the Administrative Law Court
Honorable Ralph King Anderson, III, Administrative Law Judge
Case No. 04-ALC-07-0126-CC

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South Carolina Department of Health and
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Of whom Chem-Nuclear Systems, LLC, is the

Petitioner.

**PROOF OF SERVICE FOR
MOTION FOR EXTENSION OF TIME TO FILE
PETITIONER'S BRIEF ON CERTIORARI AND APPENDIX**

Stephen P. Groves, Sr., Esquire
Mary D. Shahid, Esquire
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*Attorneys for the Petitioner,
Chem-Nuclear Systems, LLC*

I, Stephen P. Groves, Esquire, hereby certify that on 2 November 2015, I served a copy of the *Motion for Extension of Time in Which to File Petitioner's Brief on Certiorari and Appendix* submitted on behalf of the Respondents, Chem-Nuclear Systems, LLC, and the South Carolina Department of Health and Environmental Control, on all counsel of record herein via United States Mail, postage pre-paid, and addressed as follows:

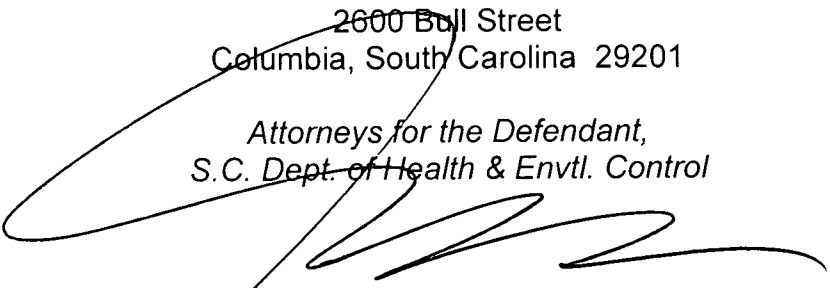
Amy E. Armstrong, Esquire
Michael G. Corley, Esquire
SOUTH CAROLINA ENVIRONMENTAL LAW PROJECT
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Robert Guild, Esquire
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*Attorneys for the Respondent-Appellant,
Sierra Club*

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Deputy General Counsel
Claire H. Prince, Esquire
Office of General Counsel
*SOUTH CAROLINA DEPARTMENT OF HEALTH
AND ENVIRONMENTAL CONTROL*
2600 Bull Street
Columbia, South Carolina 29201

*Attorneys for the Defendant,
S.C. Dept. of Health & Env'tl. Control*



Stephen P. Groves, Sr., Esquire

Charleston, South Carolina

2 November 2017

NPCOLI:6312228.1-MO-(SPG) 049893-00002

2 November 2017

The Honorable Daniel E. Shearouse
Clerk of Court
South Carolina Supreme Court
1231 Gervais Street
Columbia, South Carolina 29201

Re: Sierra Club v. South Carolina Department of Health and Environmental Control and Chem-Nuclear Systems, LLC.

Appeal from the South Carolina Administrative Law Court
Certiorari from the Court of Appeals
Case Action No.: 04-ALJ-07-0126-CC
COA Case Tracking No.: 2015-001915
NP File No.: 049893-00002

Charleston Dear Mr. Shearouse:

Charlotte
Columbia
Greensboro
Greenville
Hilton Head
Myrtle Beach

Enclosed please the original and seven copies of a Motion for Extension of Time in Which to File the Petitioner's Brief on Certiorari and Appendix in the above-referenced appellate matter. I also enclose the original and one copy of a Proof of Service indicating service of a copy of the Motion for Extension of Time in Which to File the Petitioner's Brief on Certiorari and Appendix upon all other counsel of record. Finally, I also enclose our firm check in the amount of \$25.00 each to cover the applicable motion filing fee.

I would appreciate your filing this Motion for Extension of Time in Which to File the Petitioner's Brief on Certiorari and Appendix, as well as the Proof of Service, with the Supreme Court and returning one stamped copy of each to my attention in the enclosed self-addressed stamped envelope. Copies of the Motion for Extension of Time in Which to File the Petitioner's Brief on Certiorari and Appendix and the Proof of Service are herewith being served upon legal counsel for the Respondent, Sierra Club, as well as upon legal counsel for the Defendant, South Carolina Department of Health and Environmental Control.

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S.C. SUPREME COURT

Hon. Daniel E. Shearouse
Clerk of Court
2 November 2017
Page 2

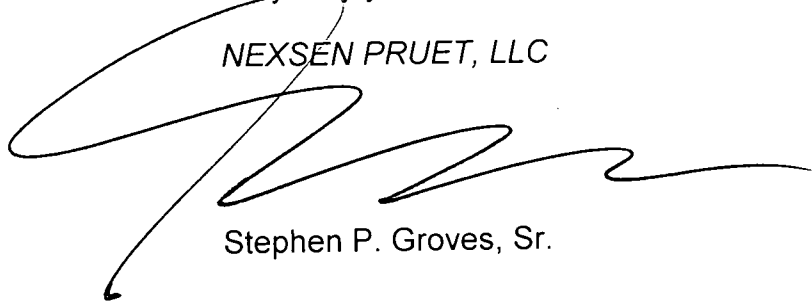
Based upon the current briefing schedule Chem-Nuclear's *Brief of the Petitioner on Certiorari* and additional copies of the *Appendix* are currently due on or before Monday, 27 November 2017 (as the 30th day falls on Saturday, 25 November 2017). Consequently, anticipating a favorable reception and subsequent grant of this extension motion, Chem-Nuclear's *Brief of the Petitioner on Certiorari* and additional copies of the *Appendix* would then be due on or before Wednesday, 27 December 2017.

If you need anything else or I otherwise may be of any assistance to you or to the Supreme Court regarding this matter or any other matter, please feel free to contact me at your convenience. My direct telephone number is 843.720.1725, direct telecopier is 843.414.8206, and the e-mail is sgroves@nexsenpruet.com.

With kindest regards, I remain

Very truly yours,

NEXSEN PRUET, LLC



Stephen P. Groves, Sr.

SPGsr:spg
Enclosures
CCE

Amy E. Armstrong, Esquire/Michael G. Corley, Esquire
Robert Guild, Esquire
Jacquelyn S. Dickman, Esquire/Claire H. Prince, Esquire

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S.C. SUPREME COURT



The Supreme Court of South Carolina

Stephen Peterson Groves, Sr.
205 King Street
Suite 400
Charleston SC 29401

11/06/2017

RECEIPT #85076

Case No: 2015-001915
Case Short Title: Sierra Club v. Chem-Nuclear
Event: Motion - Extension of Time (2nd)
Fee Type: Motion Fee
Amount: \$25.00
Payment Type: Check
Reference No: 498097
Check/Money Order Date: 11/02/2017
Comments: