

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

Sunset Cay, LLC, Appellant,

v.

South Carolina Department of Health and Environmental Control Respondent.

**MOTION FOR 2ND EXTENSION OF TIME
TO FILE RESPONDENT'S FINAL BRIEF**

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NOV 27 2017

SC Court of Appeals

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 Department's Motion to Amend the Dismissal Order dated November 3, 2016 with all exhibits for inclusion in the Record

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on Appeal, Exhibit C of this filing was not included in the ROA Appellant submitted on October 13, 2017 or the Supplemental Record on Appeal submitted on October 31, 2017. In addition, the Department's June 1, 2016 Motion for Partial Dismissal is missing the second page of Exhibit 10 and Exhibit 1 of the Department's Supplemental Brief to Partial Motion to Dismiss is missing as well. These documents are referenced throughout the Department's Initial Brief and are a necessary part of the Department's argument in this matter. Therefore, the Department cannot complete the Final Brief without being able to identify these documents in the ROA.

Respondent notified the Appellant of the error and Appellant consents 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

November 22, 2017
Charleston, South Carolina

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CERTIFICATE OF SERVICE

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The undersigned hereby certifies that on this date he has served the Respondent, South Carolina Department of Health and Environmental Control's *Motion for 2nd 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

November 22, 2017



November 22, 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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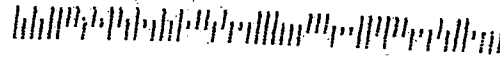


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Ocean & Coastal Resource Management
1362 McMillan Ave., Ste.400
Charleston, SC 29405

Return Service Requested



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