

THE STATE OF SOUTH CAROLINA

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In the Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Ralph King Anderson, III, Administrative Law Judge

Case No. 04-ALJ-07-0126-CC

Sierra Club Petitioner/Appellant,

vs.

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

MOTION FOR EXTENSION OF TIME

TO: ALL PARTIES AND THE COURT OF APPEALS:

PLEASE TAKE NOTICE that the Appellant Sierra Club hereby moves the Court of Appeals for an Order extending the time for filing its initial brief and designation of matter. This is the third request for an extension. The basis of this motion is as follows:

Counsel for the Sierra Club filed its second motion for an extension on October 19, 2012, requesting an additional thirty (30) days to file its initial brief and designation of matter such that it would be due on November 19, 2012. On November 19, 2012, not having heard from the Court, counsel contacted the clerk's office to inquire whether another motion was needed. The clerk's office informed counsel that another motion was not needed while the current motion was still pending and also informed counsel that the Court would allow at least two weeks from the

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date of the Order granting an extension to file the initial brief and designation.

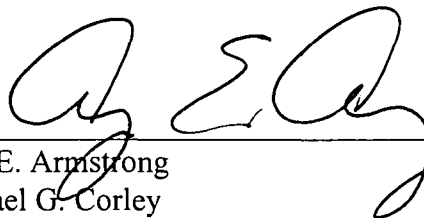
On December 11, 2012, the Appellant received an Order from the Court extending the time for filing the initial brief and designation until December 10, 2012. The Order was filed on December 7, 2012.

At the time the October 19th motion was filed counsel for Appellants was in the midst of preparing for a complex trial, which was heard in the Administrative Law Court November 27-29. Trial preparations included multiple depositions, voluminous exhibits, and multiple expert witnesses. Counsel for the Respondent, Mary Shahid, was co-counsel in that matter, which took significant amounts of time and prevented counsel for Appellants from spending the time necessary to adequately prepare this brief.

The Appellant seeks an extension of thirty (30) days, until January 10, 2013. Counsel has begun working on the initial brief and believes that no more extensions will be needed beyond this request. Counsel for the Appellant immediately contacted counsel for both Respondents upon receiving this Court's Order of December 7, 2012, but was unable to obtain a response from either counsel prior to filing this motion. For these reasons, counsel for Sierra Club requests an extension of thirty (30) days for filing its initial brief and designation of matter.

WHEREFORE, the Appellant Sierra Club requests that the Court of Appeals enter an order extending the time for filing its Initial Brief and Designation of Matter until January 9, 2013.

Respectfully submitted,



Amy E. Armstrong

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SOUTH CAROLINA ENVIRONMENTAL LAW
PROJECT

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December 11, 2012

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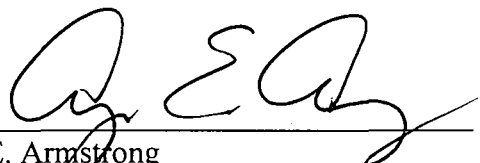
South Carolina Department of Health and Environmental Control and
Chem-Nuclear Systems, Respondents.

CERTIFICATE OF SERVICE

I hereby certify that on this date I served the foregoing Motion for Extension upon counsel for the Respondents, by placing copies of same in the United State Mail, addressed to:

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December 11, 2012

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