

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

RECEIVED

JAN 18 2018

Appellate Case No. 2015-001915

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,

Petitioner,

and South Carolina Department of Health and Environmental Control is,

Respondent.

**JOINT MOTION FOR AN EXTENSION OF TIME TO
FILE INITIAL BRIEFS ON CERTIORARI**

TO: THE SUPREME COURT OF SOUTH CAROLINA AND THE PETITIONER AND ITS ATTORNEYS

Respondent Sierra Club and Defendant-Respondent, South Carolina Department of Health and Environmental Control (“SCDHEC”) (collectively, “Respondents”), pursuant to SCACR Rules 240 and 242, and this Court’s July 16, 2014 Order, respectfully request that this Court grant Respondents a ten-day (10) extension of time in which to each file their *Brief of the Respondent on Certiorari*. The Respondents jointly sought one previous 10-day (10) extension such that the briefs are currently due on January 18. This is the second 10-day (10) extension

request. Respondents also respectfully request that this Court hold the briefing time in abeyance until such time as this motion may be considered and ruled upon.

The basis for this motion is that exceptional circumstances exist that have prevented counsel from spending the time necessary to prepare their briefs. Counsel for Sierra Club lives in Pawleys Island, which experienced severe weather events the week of January 1. In particular, counsel was unable to travel to her office in Georgetown on January 3 and 4 due to icy road conditions, and was prevented from working full days on January 2 and 5 as a result of the snow, ice and unsafe navigating and driving conditions. Then, from January 9-11, counsel for Sierra Club had work obligations that required her to travel to Columbia, which similarly prevented her from spending time preparing the brief. While recognizing this Court's Order that the press of other business is not an extraordinary circumstance, one of those obligations included preparing for and arguing a case before this Court on January 11, which counsel believes is extraordinary, and beyond ordinary day-to-day business. Finally, counsel for Sierra Club is responsible for planning, organizing and executing the S.C. Bar's Environment and Natural Resources Section Seminar for the upcoming S.C. Bar Convention at Kiawah Island, which is being conducted on January 18 – the same date as the current briefing deadline.

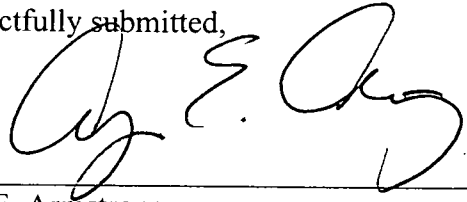
In addition, counsel for SCDHEC experienced a family medical emergency over the New Year's holiday involving the hospitalization and after-care of her mother who lives with her in Myrtle Beach, South Carolina.

The Petitioner, Chem-Nuclear Systems, LLC, consents to this motion.

WHEREFORE, the Respondents respectfully request that this Court grant the requested

extension such that their briefs are due on January 29, 2018.

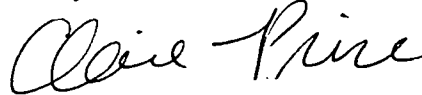
Respectfully submitted,



Amy E. Armstrong
SOUTH CAROLINA ENVIRONMENTAL
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Attorney for Sierra Club



*by Amy
Armstrong
with
permission*

Claire H. Prince
SOUTH CAROLINA DEPARTMENT OF
HEALTH AND ENVIRONMENTAL
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Attorney for SCDHEC

Georgetown, South Carolina

January 16, 2018

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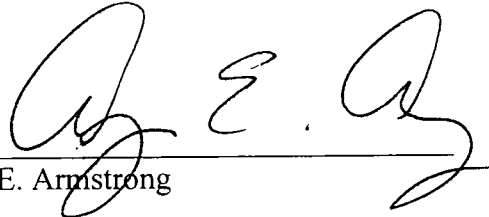
Respondent.

CERTIFICATE OF SERVICE

I hereby certify that on this date I served the foregoing Joint Motion for Extension of Time for Filing Briefs on Certiorari on counsel for all parties, by placing copies of the same in the United States Mail, first-class postage prepaid, addressed to:

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2600 Bull Street, Columbia SC 29201


Amy E. Armstrong

Georgetown, South Carolina

January 16, 2018



South Carolina Environmental Law Project

Lawyers for the Wild Side of South Carolina

January 16, 2018

a 501c3
non-profit organization

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Honorable Daniel E. Shearouse
Clerk, South Carolina Supreme Court
P. O. Box 11330
1231 Gervais Street
Columbia, SC 29211

RE: Sierra Club v. DHEC;
Appellate Case No. 2015-001915

Dear Mr. Shearouse:

Enclosed for filing please find the original and seven (7) copies of the Sierra Club and the S.C. Department of Health and Environmental Control's Joint Motion for Extension of Time to File Briefs on Certiorari, along with my certificate of service and filing fee.

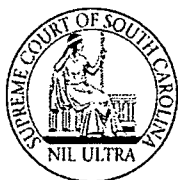
Please return a clocked-in copy in the prepaid envelope provided.

Thank you very much for your kind cooperation and assistance.

Yours very truly,


Amy E. Armstrong

cc: Mary D. Shahid, Esquire
Claire H. Prince, Esquire



The Supreme Court of South Carolina

Amy Elizabeth Armstrong
SC Environmental Law Project
PO Box 1380
Pawleys Island SC 29585

01/18/2018

RECEIPT #85680

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:	8710
Check/Money Order Date:	01/16/2018
Comments:	