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STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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APR 16 2018  
SC Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT  
John D. McLeod, Administrative Law Judge

Appellate Case No. 2017-001554

Town of Arcadia Lakes, Robert L. Jackson, Linda Z. Jackson, Robert E. Williams, Barbara S. Williams, Elizabeth M. Walker, Louis E. Spradlin, Mary Helen Spradlin, Thomas Hutton Utsey, Tony Sinclair, Aaron Small, Bette Small, Gene F. Starr, M.D., Elaine J. Starr, Sanford T. Marcus, Ruth L. Marcus, and Steven Brown, Petitioners,

Of Which Town of Arcadia Lakes is the Appellant/Respondent,

v.

South Carolina Department of Health and Environmental Control, Respondent, and Roper Pond, LLC, Respondent/Appellant.

**MOTION FOR EXTENSION OF TIME**

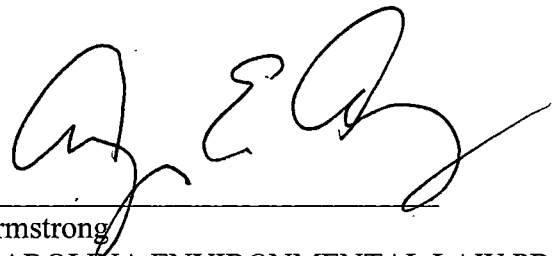
PLEASE TAKE NOTICE that Appellant/Respondent Town of Arcadia Lakes hereby moves the Court for an Order extending the time for serving the Record on Appeal and filing the certificate of service for the Record on Appeal. The Town requests a thirty (30) day extension of the filing deadline, which currently falls on April 18, 2018. This is the first request for extension of this deadline. Respondent/Appellant Roper Pond, LLC consents to the requested extension. Respondent/Appellant South Carolina Department of Health and Environmental Control has not participated in this appeal.

The primary basis for the Town's request is that counsel is in the midst of preparing for oral arguments before the S.C. Supreme Court in the case of Chem-Nuclear Systems, LLC v. Sierra Club & SCDHEC, Appellate Case No. 2015-001915. Oral arguments are scheduled for April 18;

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which is the same date that the Record on Appeal is to be served, presenting an immediate conflict to counsel's ability to prepare and serve the record. In addition, the Town is not the only appellant in this matter; Roper Pond, LLC, has also filed an appeal. As a result, Roper Pond, LLC has listed a significant number documents in its designation of matter, some of which are not readily available to the Town. The Town is coordinating with Roper Pond, LLC, in the preparation of the record to ensure that it is complete and accurate, and the extension of time would greatly facilitate this process, particularly in light of existing obligations and conflicts.

WHEREFORE, the Town respectfully requests that the Court enter an order extending the time for serving the Record on Appeal filing the attendant certificate of service until May 18, 2018. The Town further requests that this Court hold the present filing deadline in abeyance while considering this motion.



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Georgetown, South Carolina

April 12, 2018

STATE OF SOUTH CAROLINA  
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Of Which Town of Arcadia Lakes is the Appellant/Respondent,

vs.

South Carolina Department of Health and Environmental Control, Respondent, and Roper Pond, LLC, Respondent/Appellant.

**CERTIFICATE OF SERVICE**

I hereby certify that on this date I served the foregoing Motion for Extension of Time by placing copies of same in the U.S. Mail addressed to:

Stephen Hightower, Esquire  
DHEC Office of Counsel  
2600 Bull Street  
Columbia, SC 29201

Joan Hartley, Esquire  
Nexsen Pruet, LLC  
1230 Main Street, Suite 700  
Columbia, SC 29201

  
\_\_\_\_\_  
Amy Armstrong

Georgetown, South Carolina

April 12, 2018



# The South Carolina Environmental Law Project

Lawyers for the Wild Side of South Carolina

a 501c3  
non-profit organization

April 12, 2018

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The Honorable Jenny Abbott Kitchings  
Clerk of Court, SC Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

Re: Town of Arcadia Lakes, et al. v. Roper Pond, et al.  
Appellate Case No. 2017-001554

Dear Ms. Kitchings:

Enclosed for filing, please find the original and seven (7) copies of Appellant/Respondent Town of Arcadia Lakes' Motion for Extension for serving the Record on Appeal and filing the certificate of service for the Record, along with my certificate of service and filing fee. Respondent/Appellant Roper Pond consents to the requested extension.

Please return a clocked-in copy in the self-addressed, stamped envelope provided.

Thank you very much for your kind cooperation and assistance.

Yours very truly,

  
Amy E. Armstrong

cc: Stephen Hightower, Esq.  
Joan Hartley, Esq.  
Tommy Lavender, Esq.

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APR 16 2018

SC Court of Appeals

**S.C. Environmental Law Project  
Post Office Box 1380  
Pawleys Island, SC 29585**

**The Honorable Jenny Abbott Kitchings  
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