



# South Carolina Environmental Law Project

Lawyers for the Wild Side of South Carolina

November 2, 2016

a 501c3  
non-profit organization

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Honorable Daniel E. Shearouse (Attn: Debbie)  
Clerk, S.C. Supreme Court  
P.O. Box 11330  
Columbia, SC 29211

Re: KDP II v. SCDHEC and SCCCL;  
Appellate Case No. 2016-000707

**RECEIVED**

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S.C. SUPREME COURT

Dear Mr. Shearouse:

Please accept this in response to the Respondent KDP II's letter dated November 1, 2016. Counsel for Appellants appreciates and recognizes the significance of the issues to be determined in this case and shares in the Respondent KDP II's desire to have the case heard expeditiously. However, if any time an extension request rises to the level of an extraordinary circumstance, this would be it.

As the Court is aware, during the last briefing period there was a natural disaster, state of emergency and evacuation due to Hurricane Matthew. Georgetown in particular was hit hard, and counsel's office and home were impacted. Massive reorganization of a fundraising event scheduled for October 8<sup>th</sup>, the day of the hurricane, took time and every other deadline occurring during that period had to be pushed back. Counsel's internal briefing deadlines piled up and counsel had been working diligently to meet all of her obligations, but the hurricane and disruption it caused were not under counsel's control. Indeed, counsel is still dealing with the aftermath of the hurricane damage to her property.


Upon careful consideration of the feasibility of meeting the filing deadline in this case, and accounting for all other outstanding obligations, counsel made a deliberate, calculated request for an extension until November 22, 2016. This request was based on counsel's best educated belief as to the earliest possible date that she could complete initial briefing in this case. In particular, counsel has been actively involved in a federal challenge involving motions for a preliminary injunction, emergency temporary restraining order and contempt. As a result of Hurricane Matthew, the response deadlines on those motions were extended until October 20<sup>th</sup> with counsel's reply due on October 25<sup>th</sup> and the motions hearing was postponed from October 12<sup>th</sup> until October 28<sup>th</sup>. Counsel also has long-standing

plans to attend the Southeastern Council of Foundations' Annual Conference in Amelia Island from November 9<sup>th</sup> through November 12<sup>th</sup>, as the chair of the Bunnelle Foundation's board of directors. Thereafter, counsel has long-standing plans to attend an annual conservation summit at Kanuga in Hendersonville, NC on November 13<sup>th</sup> and 14<sup>th</sup>, as the chair of the steering committee for the conservation coalition. While not legal obligations, they influenced this request.

Therefore, counsel for Appellants request that the Court grant its request for an extension until November 22, 2016 as the last extension to file its Initial Brief and Designation. Counsel for Appellants request that the Court not place a limitation on reply briefs at this time.

Thank you very much for your kind cooperation and assistance.

Yours very truly,

  
Amy E. Armstrong

by Jessie White  
with permission

cc: Tom Gressette, Esquire  
Brad Churdar, Esquire  
Robert Bockman, Esquire