

Southern Environmental Law Center

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SEP 11 2018

S.C. SUPREME COURT

Facsimile transmittal

To: **Supreme Court of South Carolina** Fax: **803-734-1499**
From: **Rachel Pruzin on behalf of Blanche Holman** Date: **September 11, 2018**
Re: **Preservation Society of Charleston v. SCDHEC** Pages: **6 (including cover)**
2018-000137

- Urgent **For review** Please comment Please reply Please recycle

Enclosed please find a copy of Petitioners' Motion for Extension of Time to File Opening Brief in the above-referenced matter. Due to Hurricane Florence, and potential delays in mail services, we are faxing you a courtesy copy of this filing. The original and copies have been placed in today's mail. Please do not hesitate to contact me should you have any questions or require additional information.

Thank you,

Rachel Pruzin
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(843) 619-4613

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S.C. SUPREME COURTVia Certified Mail & FacsimileThe Honorable Daniel E. Shearouse
Clerk of Court
Supreme Court of South Carolina
1231 Gervais Street
Columbia, South Carolina 29201**Re: Preservation Society of Charleston v. SCDHEC
Appellate Case No. 2018-000137**

Dear Mr. Shearouse:

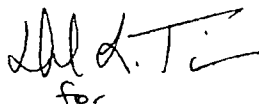
Enclosed for filing please find the original and six (6) copies of Petitioners' Motion for Extension of Time to File Opening Brief in the above-referenced matter. Also enclosed is a check for \$25.00 to cover the associated filing fee.

Respondent SPA has consented to this request.

Due to Hurricane Florence, and potential delays in mail delivery, an additional copy of the Motion was faxed to the Court today, Tuesday, September 11, 2018.

By copy of this correspondence, I am serving the same upon all counsel of record. If you have any questions, please do not hesitate to contact me at 843-720-5270 or bholman@selcsc.org. Thank you for your assistance with this matter.

Sincerely,

for
J. Blanding Holman IV

JBH/arp

Enclosures

cc: All Counsel of Record (via U.S. First Class Mail)

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SEP 11 2018

THE STATE OF SOUTH CAROLINA

In the Supreme Court

APPEAL FROM ADMINISTRATIVE LAW COURT
Ralph King Anderson, III, Administrative Law Judge
Case No. 13-ALJ-07-056-CC

S.C. SUPREME COURT

Appellate Case No. 2018-000137

Preservation Society of Charleston, Historic Charleston Foundation, Historic Ansonborough
Neighborhood Association, South Carolina Coastal Conservation League, Charlestowne
Neighborhood Association, Charleston Chapter of the Surfrider Foundation, and Charleston
Communities for Cruise ControlPetitioners,

vs.

South Carolina State Ports Authority and South Carolina Department of Health and
Environmental Control Respondents.

PETITIONERS' MOTION FOR EXTENSION OF TIME TO FILE OPENING BRIEF

TO ALL PARTIES AND THE SUPREME COURT:

PLEASE TAKE NOTICE that Petitioners¹ in this case hereby move the Supreme Court for an
order extending the time in which to file their opening brief in the above-captioned matter. In
support of this request, Petitioners submit the following:

1. The Petitioners' opening brief is currently due Thursday, September 20, 2018.
2. In light of approaching Hurricane Florence, Governor Henry McMaster has issued a
mandatory evacuation order effective today for residents of coastal counties including the

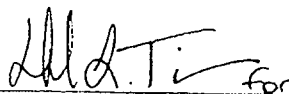
¹ Petitioners are the following citizen groups: Preservation Society of Charleston, Historic
Charleston Foundation, Historic Ansonborough Neighborhood Association, South Carolina
Coastal Conservation League, Charlestowne Neighborhood Association, Charleston Chapter of
the Surfrider Foundation, and Charleston Communities for Cruise Control.

counties in which the below-signed counsel for Petitioners reside and work. State offices including state court offices are closed until further notice pending Hurricane Florence's landfall on the East Coast. Hurricane Florence is projected to be a major hurricane (currently Category 4) whose impact on the Carolinas will bring catastrophic damage including flooding and destructive storm surges.

3. It is unclear when evacuation orders will be lifted and normal business activities will resume in the counties where the undersigned work and live, but storm preparation and response will substantially delay, hamper, and prevent work on the brief currently due in this Court next Thursday. Petitioners respectfully submit that this major storm constitutes an extraordinary circumstance that supports extension of the current deadline.
4. Further, lead counsel in this case for Petitioners is actively involved in other major matters including a complex merger proceeding involving SCE&G and Dominion before the Public Service Commission, with pre-hearing discovery and motions practice extremely active leading up to a November 1 proceeding.
5. Counsel for Petitioners have requested the position of Respondents to this request. Respondent SPA does not object to this request. Respondent DHEC did not immediately respond to our email requesting their position on this extension request.

THEREFORE, Counsel for Petitioners respectfully request that this Honorable Court grant their request and extend the time in which Petitioners' opening brief until Friday, October 18, 2018.

Respectfully submitted,



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Attorneys for Petitioners

Charleston, SC
September 11, 2018

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S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA

In the Supreme Court

APPEAL FROM ADMINISTRATIVE LAW COURT
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vs.

South Carolina State Ports Authority and South Carolina Department of Health and
Environmental Control Respondents.

CERTIFICATE OF SERVICE

I hereby certify that on September 11, 2018, I caused to be served the foregoing *Motion for Extension of Time* on all counsel of record by placing copies of same in the U.S. Mail addressed to:

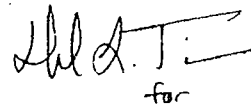
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J. Blanding Holman IV
September 11, 2018